

COPYRIGHT

IS IT YOURS?

Slide 1: Introduction: Copyright laws affect our lives in numerous ways. This is particularly true in the Arts, A/V Technology & Communications Cluster, where students are involved in the creation, production, duplication, and distribution of work using various media. Everyone needs to be aware of the copyright laws and the need to abide by them. Educators are often held to a higher standard of ethical behavior than others because of their influence on students. As such, educators must know the law and be able to follow the best practices of fair use. This module will help you become more aware of copyright laws and how they affect educators.

Slide 2: In reviewing the content of this professional development module it may be helpful for you to use the following tools to take notes, summarize key points, and identify ideas to implement in your classroom: Cornell notes, mind map, and action plan. You may also want to consider using these tools in your classroom instruction.

Slide 3: The objectives of this module are to give you a better understanding of the copyright laws and how those laws affect educators. This module also introduces you to *The Code of Best Practices in Fair Use in Media Literacy Education*.

Slide 4: Academic integrity is a cross-disciplinary topic addressed by the College Readiness Standards, adopted by the Texas Higher Education Coordinating Board on January 24, 2008. According to those standards, students are expected to (1) attribute ideas and information to source materials and people; (2) evaluate sources for quality of content, validity, credibility, and relevance; and (3) understand and adhere to ethical codes of conduct, including following copyright laws and restrictions, and using technology responsibly. All teachers – especially those in the Arts, A/V Technology, & Communications Cluster – should seek opportunities to educate students about copyright law, and should expect students to adhere to those laws.

Slide 5: Regarding copyright law, several myths exist either because of misunderstanding or a lack of knowledge of the law.

Slide 6: Many of the myths can be dispelled by becoming familiar with the copyright laws. Let's begin by defining *copyright* and some common terms associated with copyright law!

Slide 7: Intellectual property refers to "creations of the mind," and represents intangible property. Copyrights, patents, and trademarks are forms of intellectual property.

Slide 8: A copyright protects original works of authorship, while a patent protects inventions or discoveries. A trademark protects words, phrases, symbols, or designs, identifying the source of the goods or services of one party, and distinguishing them from those of others.

Slide 9: Copyright is a legal tool that people use to protect their creations from other people's taking of them and claiming them as their own.

Established by the Copyright Act of 1976, copyright protection for works created prior to January 1, 1978, lasts 75 years from the date of publication. Works created by an individual after January 1, 1978, are protected by copyright for the lifetime of the author plus fifty years. Copyright protection is set at 75 years for a work of corporate authorship under this act.

Slide 10: The Sonny Bono Copyright Term Extension Act extends the Copyright Law of 1976. Under the Sonny Bono Act, copyright of private works is extended by 20 years.

During his tenure in politics, Sonny Bono petitioned to extend the timeframe of copyright protection. Although his original bill was never voted on, a similar bill was passed in 1998 after his death, and was named in his honor.

Under the Sonny Bono Act, works created by an individual prior to January 1, 1978, are protected by copyright for 95 years from the date of publication. Works created by an individual after January 1, 1978, are protected by copyright for the lifetime of the creator plus 70 years.

Slide 11: By obtaining copyright, others can reproduce the work in copies or phonorecords, prepare derivative works based upon the originals, and distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The work can also be performed or displayed publicly, as well as displayed publicly by means of a digital audio transmission.

Slide 12: Copyright covers both published and unpublished works of various types. Examples of literary works are fiction and nonfiction books, periodicals, manuscripts, computer programs, manuals, phonorecords, film, audiotapes, and computer software. Songs, operas, and musical plays are examples of musical works. The category of dramatic works includes plays and dramatic readings. The pantomimed and choreographed works, pictorial, graphic, and sculptural works category represents fine and applied arts, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, and models. Examples of motion pictures and audiovisual works are slides or tapes, multimedia presentations, filmstrips, films, and videos. Tapes, cassettes, and computer disks fall under sound recordings and records.

Slide 13: Copyright does not protect ideas, facts, systems, or methods of operation. The original authorship appearing on a website may be protected by copyright. Copyright does not protect names, titles, slogans, or short phrases; though in some cases, these things may be protected as trademarks. Ideas in writing, or drawings, may be protected by copyright, but copyright will not protect the idea itself as revealed in the written or artistic work.

TRANSCRIPT

Slide 14: Work is under copyright protection the moment it is created and fixed in a tangible form, or that it is perceptible either directly or with the aid of a machine or device. Registration of copyright is NOT required to protect an expression.

Slide 15: Registration of copyright, however, DOES secure a public record of the copyright claim, and is necessary in order for the owner to file a copyright infringement lawsuit. Now that we've thoroughly looked at copyright, let's define some additional terms.

Slide 16: In some cases media is free and accessible for anyone's use. Works of this nature are considered part of the public domain. Public domain applies to work that was created before 1923 (never covered by copyright law), work that is government property, and work that has an expired copyright. Additionally, an author or artist may choose to place his or her work in the public domain by including a statement of intent as part of the published work. An example of work that has been placed in the public domain by the copyright owner can be found in image citations on websites such as Wikipedia. Follow the Wikipedia link on this slide to an entry on Fallingwater, a house designed by Frank Lloyd Wright (<http://en.wikipedia.org/wiki/Fallingwater>). Click on any of the images of the house on that page and look at the copyright permissions/licensing information. Though each image licensing statement is a little different, most images are part of the public domain, either because they were taken by government employees or because the owner placed them in the public domain.

Slide 17: In some cases media may be used in exchange for a fee payment. Media is considered "Royalty Free" when a contract is created between the media owner and someone who wants to use the media. The contract allows works such as photographs, animations, songs, videos, etc. to be used without having to pay on-going royalties to the creator. The contract usually requires a one-time fee.

Slide 18: Plagiarism occurs when a person uses someone else's ideas and claims them as his or her own. Whether plagiarism involves a portion or the entirety of the other person's creation, plagiarism violates copyright laws. In a school setting, plagiarism is considered academic dishonesty and can lead to expulsion from the school. The news will occasionally report trials where a person is accused of stealing someone else's work. The punishment for these types of crimes often includes hefty fines and/or jail time.

Slide 19: Fair Use is a doctrine in the U.S. which allows limited use of copyright protected information without the permission of the author, creator, or publisher. Uses of material which typically fall under the Fair Use guidelines are scholarly research and review of material prior to purchase.

Slide 20: Educators can use the four-factor "Rule of Thumb" to decide if fair use is being met. The following questions should be answered to find out if you are obeying the fair use guidelines: 1. What copyrighted materials are you using? 2. Why are you using the copyrighted materials? 3. How much of the copyrighted material will you be using? 4. How long are you going to use the copyrighted materials and will the use affect the owner's rights? These are general guidelines, but it is always best to refer to the current legislation to avoid copyright infringement and any resulting

punishment. Let's look at some of the guidelines for fair use that you can use to answer the above questions and make sure you are in compliance with the law.

Slide 21: Most people are aware that copyright law applies to print materials, but do not know the specific guidelines for use. If the printed materials are being used in a classroom and meet the following guidelines for fair use, then they can be used in the classroom:

- Short printed materials less than 250 words or 250 words of larger materials
- 10% of printed materials with 1,000 words or more
- Archived printed materials in their entirety
- Single images or illustrations – no more than five copies

If an educator wants to use the same printed materials each year, the teacher should check with the publisher to see if that is allowed under fair use guidelines. Most often, fair use is determined by urgency of need. Saving and re-using copies of copyrighted materials semester after semester, or year after year, is considered a violation of the fair use doctrine because, generally speaking, there is ample time to plan for and obtain copies of the material for upcoming years once the material has been identified.

Slide 22: The Internet and its unlimited resources are being used more frequently in the classroom. With the increased usage there is a mistaken belief that the resources are free. In fact, most resources are not free and must be purchased. If something is used from the Internet, it is a good rule of thumb to always give credit. For years, educators have used taped shows to help teach topics within their classrooms. Since they have taken the time to record the shows, they believe they can view them as often as, and for as long as, they want. Unfortunately, this practice constitutes copyright violation. Let's look at the fair use guidelines for these types of media.

Slide 23: Understandably, educators and students like to add songs to their multimedia presentations or other projects. According to copyright and fair use guidelines, up to 10%, or no more than 30 seconds, of a musical work can be used for educational purposes in multimedia programs.

Slide 24: Computer software is another copyrighted source that is frequently misused. The thought on computer software is that if it has been purchased, then it can be loaded on to any computer that is owned or used by the purchaser. Computer software is limited by the number of installations that are in the license agreement. Users are required to abide by the licensing agreement. The owner may make a single backup copy of the software in the event of damage or loss. Libraries may be willing to assist you in creating backup copies for a fair price.

Items from the Internet follow the same guidelines as music, printed materials, and videos. Internet resources cannot be reposted without permission, and they have to be acquired legitimately to be used in educational presentations.

TRANSCRIPT

Slide 25: Television shows may be taped for educational purposes and used within ten school days of the air date. The taped shows may be viewed again within forty-five days if the viewing is used within the same term and is used as a review of material.

Slide 26: Showing videos in the classroom, for various reasons, has always sparked a discussion about copyright guidelines. Most districts have guidelines about which videos are allowed to be shown and when they can be viewed. In general, videos should be tied to the curriculum and come from the school, the school library, or a public library.

Slide 27: Receiving permission for a public performance site license is necessary if you are viewing a video in a classroom, unless it meets the fair use guidelines outlined in slide 25. Educators need to ensure they have received and paid for the right to show a video in the classroom. Usually, school librarians or school district technology personnel will obtain the required permission to show videos within the classrooms as part of the purchase agreement.

Slide 28: Copyright applies to a number of works that many of us might not generally think of. Here are some examples of original “pictorial, graphic, and sculptural works” that are protected by copyright:

- Advertisements, commercial prints, and labels
- Artificial flowers and plants
- Artwork applied to clothing or to other useful articles
- Bumper stickers, decals, and stickers
- Cartographic works, such as maps, globes, and relief models
- Cartoons and comic strips
- Collages

Slide 29: Additional examples include

- Dolls and toys
- Drawings, paintings, and murals
- Enamel works
- Fabric, floor, and wallcovering designs
- Games and puzzles
- Greeting cards, postcards, and stationery
- Holograms and computer and laser artwork
- Jewelry designs

Slide 30: Other examples of works that are protected by copyright are

- Models
- Mosaics
- Needlework and craft kits
- Original prints such as engravings, etchings, serigraphs, silk screen prints, and woodblock prints
- Patterns for sewing, knitting, crochet, and needlework
- Photographs and photomontages
- Posters
- Record jacket artwork or photography

Slide 31: And:

- Relief and intaglio prints
- Reproductions such as lithographs and collotypes
- Sculpture such as carvings, ceramics, figurines, maquettes, molds, and relief sculptures
- Stained glass designs
- Stencils and cut-outs
- Technical and mechanical drawings, architectural drawings or plans, blueprints, and diagrams
- Weaving designs, lace designs, and tapestries

Slide 32: Fair Use guidelines can be confusing and difficult to memorize, especially in the area of technology where things change rapidly. The issue of Fair Use in Media Literacy Education was discussed and clarified by a project coordinated by the Center for Social Media at American University School of Communication. The Center for Social Media project developed a guide entitled “Code of Best Practices in Fair Use for Media Literacy Education” to assist educators in applying and interpreting the Fair Use Doctrine in educational contexts. The guide does NOT replace The Copyright Act of 1976 or the Sonny Bono Copyright Term Extension Act of 1998. The guide does NOT specify limits of the Fair Use Doctrine. The guide DOES identify “five principles that represent the media literacy education community’s current consensus about acceptable practices for the fair use of copyrighted materials” (Center for Social Media). The guide is available online at <http://www.centerforsocialmedia.org/fair-use/related-materials/codes/code-best-practices-fair-use-media-literacy-education>

Slide 33: Educators should always stress the importance of following copyright laws, both within and outside of the classroom. Instruction on copyright can easily be incorporated into lessons in the Arts, A/V Technology & Communications Cluster courses. Copyright applies to the creation, publication, duplication, distribution, and use of graphic designs – animations, print materials, media productions, fashion designs, and photographs. There are many ways to teach students to demonstrate ethical behavior in our design fields! Educators can also include their school librarians when teaching about plagiarism and the importance of obeying copyright laws.

Slide 34: Students need to understand that copyright is designed to protect the rights of EVERY author, creator, and publisher. As teachers, we should reinforce the fact that copyright also protects students’ work from misuse by others!

Slide 35: The Library of Congress and several other websites have games or web quests about plagiarism and copyright laws.

Slide 36: We covered a lot of ground in this professional development module. What follows is a short quiz to test your understanding of key points and terms presented in the module. Let’s begin!

Answer the following questions with true or false. After deciding on your answer, select the appropriate link to indicate your response.

TRANSCRIPT

QUESTION 1: The Sonny Bono Act decreased the amount of time that the copyright existed.

The answer is FALSE. The Sonny Bono Act extended the copyright for at least an additional twenty years.

Slide 39: QUESTION 2: Public Domain means that there is no need to worry about copyright and the media is free to use.

The answer is TRUE.

Slide 42: QUESTION 3: Royalty free is any work that you download from the internet.

The answer is FALSE. Royalty free is when a contract is agreed upon and a one-time fee is paid.

Slide 45: QUESTION 4: An educator may show any video they want and at anytime they want.

The answer is FALSE. A video must relate to the curriculum being taught and the educator must abide by fair use policies.

Slide 48: QUESTION 5: It is useful to teach students to obey copyright laws and avoid plagiarism.

The answer is TRUE. Students are bound by the same copyright and fair use policies as non-students. If plagiarism occurs it is deemed academic dishonesty and could result in expulsion from school.

Slides 51 - 53: Sources

- Center for Social Media. "The Code of Best Practices in Fair Use for Media Literacy Education." School of Communication American University. November 2008. <http://www.centerforsocialmedia.org/fair-use/related-materials/codes/code-best-practices-fair-use-media-literacy-education>
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- Harper, Georgia. "The Copyright Crash Course." 2001. University of Texas Austin. www.utsystem.edu/ogc/IntellectualProperty/cprtindx.htm
- Motion Picture Association of America. "Public Performance Law." <http://www.mpaa.org/contentprotection/public-performance-law>
- www.wikipedia.com
- Wright, Vivian, et al. "The Copyright Site." University of Alabama <www.thecopyrightsite.org>