

About Me

- Educational Technologist
- Blogger
- Podcaster
- Harry Potter Geek
- Civil War Buff
- Husband and Dad





Flickr Photo Courtesy of [PugnoM](#)

When you create a unique work, you have created...

INTELLECTUAL PROPERTY

That is - something you created with your mind that has commercial value, including written, artistic, and musical works.

The Beginning of Copyright Law

1790

The first U.S. Copyright Act was created by George Washington and enacted by Congress. The statute gave authors of books, maps, and charts ownership of their work for up to 28 years.



Flickr Photo Courtesy of [Wally Gobetz](#)

Basics of Copyright



Courtesy of www.copyrightauthority.com

US copyright law is found in Title 17 of the United States Code and is administered by the US Copyright Office.

To qualify for copyright protection,
the work must be

- (a) original,
- (b) creative to a minimal degree, and
- (c) in a fixed or tangible form of expression.

DURATION OF COPYRIGHT

- Under the current laws, copyright protection starts from the moment of creation of the work and continues until 70 years after the death of the author or artist.



Copyright law covers seven broad categories:

- **Literary works** - both fiction and nonfiction, including books, periodicals, manuscripts, computer programs, manuals, phonorecords, film, audiotapes, and computer disks
- **Musical works** -- and accompanying words -- songs, operas, and musical plays
- **Dramatic works** -- including music - plays and dramatic readings
- **Pantomimed and choreographed works**
- **Pictorial, graphics, and sculptural works** -- final and applied arts, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, and models
- **Motion pictures and audiovisual works** - slide/tape, multimedia presentations, filmstrips, films, and videos
- **Sound recordings** and records - tapes, cassettes, and computer

Not everything is protected by copyright law. Not protected are:

- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices
- Titles, names, short phrases, and slogans; mere listings of ingredients or contents
- Works that are not fixed in a tangible form of expression, such as an improvised speech or performance that is not written down or otherwise recorded;
- Works consisting entirely of information that is commonly available and contains no original authorship
- Works by the US government.



CC Photo Courtesy of www.pdfimages.com

Copyright Notice

- The use of a copyright notice has not been required under U.S. law since March 1, 1989.
- Prior to that date, U.S. law did require notice to obtain copyright protection

Absence of a notice is not grounds for violating copyright.



COPYRIGHT INFRINGEMENT

- Anyone who exploits any of the exclusive rights of copyright without the copyright owner's permission is guilty
- If a lawsuit is brought in a court, the infringer will have to pay the copyright owner the amount of money the infringer made from using the work or that the owner would have made if the infringement had not happened



FAIR USE: IT'S THE LAW



EXERCISE YOUR COPYRIGHT RIGHTS IN THE CLASSROOM

Flickr Photo Courtesy of [Timothy Vollmer](#)

Fair Use

A long-standing doctrine that was specifically written into Sec. 107 of the Copyright Act of 1976

- Allows the use of copyrighted material without permission or payment when the benefit to society outweighs the cost to the copyright owner.
- Explicitly allows use of copyrighted materials for educational purposes such as criticism, comment, news reporting, teaching, scholarship, and research.

Four Factors of Fair Use

- Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:
 - The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
 - The nature of the copyrighted work
 - The amount and substantiality of the portion used in relation to the copyrighted work as a whole
 - The effect of the use upon the potential market for, or value of, the copyrighted work
- From <http://www.copyright.gov/fls/fl102.html>

5 basic rules when deciding whether or not a particular use of a work a fair use:

- **Rule 1:** Are You Creating Something New or Just Copying?
- **Rule 2:** Are You Competing With the Source You're Copying From?
- **Rule 3:** Giving the Author Credit Doesn't Let You Off the Hook
- **Rule 4:** The More You Take, the Less Fair Your Use Is Likely to Be
- **Rule 5:** The Quality of the Material Used Is as Important as the Quantity – the more important the material is to the original work, the less likely it will be considered fair use.

PORTION LIMITATIONS

Motion Media

- Up to 10% or 3 minutes, whichever is less, of a single copyrighted motion media work

Text Material

- Up to 10% or 1000 words, whichever is less, of a single copyrighted work of text

Text Material – Poems

- An entire poem of less than 250 words
but no more than three poems by one poet,
or five poems by different poets from any single anthology.
- In poems of greater length:
up to 250 words
but no more than three excerpts by a single poet
or five excerpts by different poets from a single anthology.

PORTION LIMITATIONS, cont'd

Music, Lyrics, and Music Video

- Up to 10%
- but no more than 30 seconds of music and lyrics from a single musical work
- Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

Illustrations and Photographs

- A photograph or illustration may be used in its entirety.
- No more than 5 images by an artist or photographer.
- Not more than 10% or 15 images, whichever is less, from a single published collected work.

Fair Use Disclaimer

- These are only guidelines
- Exceeding these may or may not be Fair Use
- The bigger the excess, the bigger the risk



CC Photo Courtesy of [Jason Schultz](#)

VIDEO AND FAIR USE



CC Photo Courtesy of [Andrei Zmievski](#)

- Entertainment or reward is not permitted under Fair Use: get a license from a distributor or the Motion Picture Licensing Corporation (<http://www.mplc.com>)
- May use part of a legal copy of a movie in the classroom if it relates to current subject of study

Copyright and Fair Use Guidelines for Teachers Chart

Download at :

http://www.halldavidson.net/copyright_chart.pdf

Medium	Specifics	What you can do	The Fine Print
Printed Material (text)	<ul style="list-style-type: none"> • Poems less than 250 words, 250 word excerpt of prose greater than 250 words • Articles, stories, or essays less than 2,500 words • Excerpt from a longer work (5% percent of work or 1,000 words, whichever is less) • One chart, picture, diagram, or cartoon per book or per periodical issue • Two paper reprints from an identified work less than 2,500 words, e.g., a children's book 	<ul style="list-style-type: none"> • Teachers may make multiple copies for classroom use, and incorporate into materials for teaching classes. • Teachers may incorporate text into multimedia projects. 	<ul style="list-style-type: none"> • Copies may be made only from legally acquired originals. • Only one copy allowed per student. • Teachers may make copies in non-instructional projects. • Copy must be for the personal and legitimate use of a single teacher, in each classroom from the district. • Do not create anthologies. • "Consumables," such as workbooks, may not be copied.
Printed Material (visual)	<ul style="list-style-type: none"> • An entire work • Portion of a work • A work in which the existing format has become obsolete, e.g., a document stored on a Wang computer 	<ul style="list-style-type: none"> • A teacher may make up to three copies "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen." 	<ul style="list-style-type: none"> • Copies must contain copyright information. • Archiving rights are designed to allow libraries to share with other libraries one-of-a-kind and out-of-print books.
Illustrations and Photographs	<ul style="list-style-type: none"> • Photographs • Illustrations • Collections of photographs • Collections of illustrations 	<ul style="list-style-type: none"> • Single works may be used in the variety, but no more than five images for single article or photographer may be used. • From a collection, not more than 10 images or 10 percent (whichever is less) may be used. 	<ul style="list-style-type: none"> • Although other illustrations may be in the public domain and their use permissible to be used, sometimes they're part of a copyright collection. Copyright ownership information is available at www.loc.gov or www.copyright.com.
Video (documentary)	<ul style="list-style-type: none"> • Videotapes (archival) • Videotapes (news) • DVDs • Laserdiscs 	<ul style="list-style-type: none"> • Teachers may use these materials in the classroom. • Copies may be made for archival purposes or to replace lost, damaged, or stolen copies. 	<ul style="list-style-type: none"> • The material must be legitimately acquired. • Material must be used in a classroom or nonprofit institution "dedicated to non-profit educational purposes." • The should be noncommercial, not for entertainment or profit. • Copying OK only if replacements are

Kathy Schrock's Copyright and Fair Use Guidelines For School Projects

Download at:

http://www.kathyschrock.net/pdf/copyright_schrock.pdf

Public Domain

- Intellectual property, not owned or controlled by anyone
- These materials are therefore "public property", and available for anyone to use for any purpose.

Public Domain material includes:

1. Material whose copyright has expired
2. Material released into the public domain by the copyright holder
3. Government documents

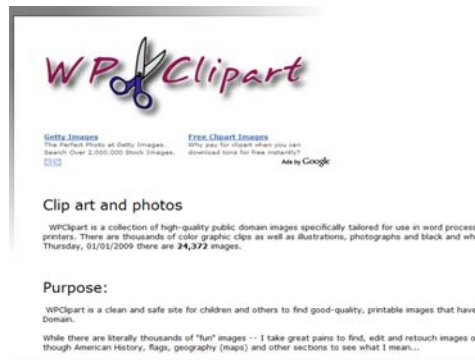
Examples of Public Domain Picture Sites

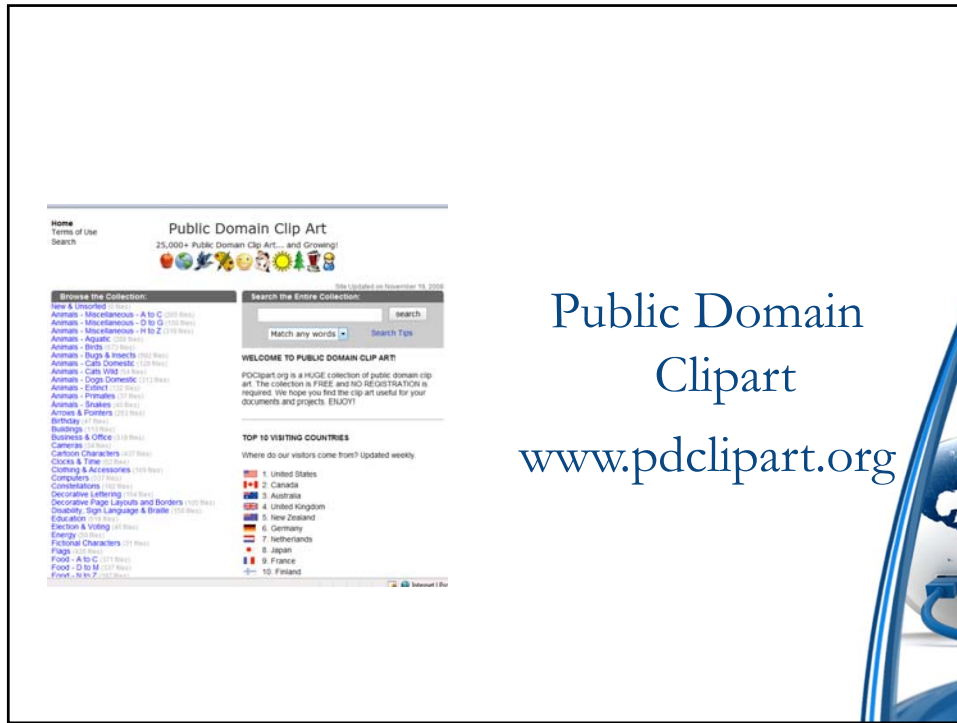


FreeFoto
www.freefoto.com

Please Note: websites on this and following pages may be blocked at school.

WP Clipart
www.wpclipart.com





The screenshot shows the homepage of 'Public Domain Clip Art'. At the top, it says 'Public Domain Clip Art' and '25,000+ Public Domain Clip Art... and Growing!'. Below this is a search bar with the text 'Search the Entire Collection' and a search button. A list of categories is visible on the left, including 'Animals - Miscellaneous - A to C', 'Animals - Miscellaneous - D to Z', 'Animals - Aquatic', 'Animals - Birds', 'Animals - Cats', 'Animals - Dogs Domestic', 'Animals - Primates', 'Animals - Reptiles', 'Animals & Fishes', 'Buildings', 'Business & Office', 'Cartoon Characters', 'Clocks & Time', 'Clothing & Accessories', 'Computers', 'Combinations', 'Decorative Lettering', 'Decorative Page Layouts and Borders', 'Education', 'Emotion & Feeling', 'Energy', 'Fictional Characters', 'Flags', 'Food - A to Z', 'Food - D to M', and 'Food - N to Z'. A 'TOP 10 VISITING COUNTRIES' section lists: 1. United States, 2. Canada, 3. Australia, 4. United Kingdom, 5. New Zealand, 6. Germany, 7. Netherlands, 8. Japan, 9. France, and 10. Finland.

Public Domain Clipart

www.pdclipart.org



The screenshot shows the homepage of 'Public Domain Pictures.net'. The title is 'Public Domain Pictures' and the URL is 'http://www.publicdomainpictures.net'. The page features a navigation menu with 'Home', 'Top Images', 'Latest Pictures', 'Contact Us', and 'My Account'. A 'Categories' list on the left includes: Animals, Architecture, Background, Flowers, Food, Illustrations, Landscapes, Light Effects, Maps, Nature, Objects, Office, Other, People, Seasons, Still Life, and Symbols. The main content area has a 'Welcome to repository for public domain pictures' message and a 'Random free pictures' section displaying a grid of image thumbnails such as 'Red leaves', 'Jewellery chest', 'Flourescent lights', 'Stairs of museum', 'Apartment block', and 'Recycle sign'.

Public Domain Pictures

<http://www.publicdomainpictures.net>

PUBLIC DOMAIN MATERIAL

IMAGES AND MEDIA

- http://en.wikipedia.org/wiki/Public_domain_image_resources
- http://people.uwec.edu/koroghcm/public_domain.htm
- http://commons.wikimedia.org/wiki/Main_Page
- <http://www.flickr.com/photos/pingnews/collections/72157600007938726/>

TEXT AND INFO

http://www.gutenberg.org/wiki/Main_Page

<http://books.google.com/> - some books are public domain, not all

<https://www.cia.gov/library/publications/the-world-factbook/>



- Creative Commons is a not-for-profit organization of content creators who have built upon the “all rights reserved” concept of traditional copyright to offer a voluntary “some rights reserved” approach
- Creative Commons is a non-profit that offers an alternative to full copyright
- Enables copyright holders to grant some or all of their rights to the public
- Copyright owners can also choose public domain or open content licensing terms
- The intention is to avoid the problems current copyright laws create for the sharing of information.

Creative Commons Website

<http://search.creativecommons.org/>



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Creators choose a set of conditions they wish to apply to their work.



Attribution

You let others copy, distribute, display, and perform your copyrighted work — and derivative works based upon it — but only if they give credit the way you request.



Share Alike

You allow others to distribute derivative works only under a license identical to the license that governs your work.



Non Commercial

You let others copy, distribute, display, and perform your work — and derivative works based upon it — but for noncommercial purposes only.



No Derivative Works

You let others copy, distribute, display, and perform only verbatim copies of your work, not derivative works based upon it.

Six Licenses offered through CC

<http://creativecommons.org/about/licenses>



Attribution



Attribution Share Alike



Attribution No Derivatives



Attribution Non-Commercial



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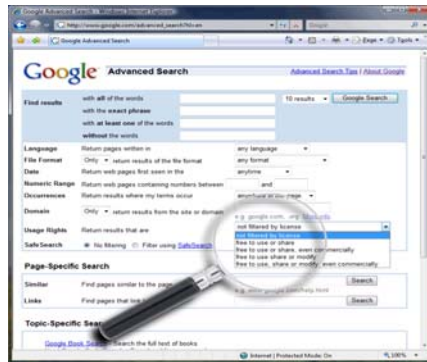
Attribution Non-Commercial No Derivatives

Google and Creative Commons

- By default, Google *doesn't* search for Creative Commons licensed content.
- But, if you click Google's Advanced Search link [to the right of the search box]...



Usage Rights



There you'll find a Usage Rights pull-down list with five options:

1. Not filtered by license
2. Free to use or share
3. Free to use or share, even commercially
4. Free to use share or modify
5. Free to use, share or modify, even commercially

Creative Commons Material

- Music: www.ccmixer.org
www.jamendo.com



Photo Courtesy of [TilarX](#)

- Images:

Flickr Creative Commons – Flickr users who release their photos with a CC License -

<http://www.flickr.com/creativecommons/>

Open Photo - <http://openphoto.net/>

- Various types of media -

http://commons.wikimedia.org/wiki/Main_Page

More Creative Commons Help

For video help in using Creative Commons go to:
<http://creativecommons.org/videos/>

CITING SOURCES

- <http://nausetschools.org/research/works2.htm> - A guide from Kathy Schrock on teaching kids throughout the various grade levels to create citations
- www.bibme.org



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Author Name(s)

Who is the author? Person(s) News Service No Author

Title First Name Last Name

Author Amy Hopkins

My Bibliography

- Hopkins, Amy. "Rachel on the beach on Flickr - Photo Sharing!." *Welcome to Flickr - Photo Sharing*. 24 Jan. 2009. <<http://www.flickr.com/photos/mrshopp/3168848660/>>

Format: MLA

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We Should Care Because...

- It reflects our appreciation for all the hard work that goes into creating "original works of authorship" and
- Respect for the right of the creator of that work to control what people can and cannot do with it.




Photo Courtesy of [Sharyn Morrow](#)

Teach Your Students Well

- Be a good example
 - Do training appropriate to grade level
 - Explain intellectual property and Fair Use
 - Share current cases involving copyright violations so they can see “real life” situations
 - Teach limitations at an early age
- 

Teach Your Students Well

- Discourage CD burning – common with kids
 - Discourage use of file sharing sites –
ex. Lime Wire
 - Plagiarism – don’t cut/paste
 - Teach paraphrasing – a learned skill
 - Organize lab area for easy monitoring – keep an eye on them!
 - Interact with students as they work – continue to reinforce 1 on 1
- 

Quick Copyright Tips

- Limit use of copyrighted materials in your classroom
- Give proper credit
- When in doubt, get permission
- Assume it's copy written!

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