

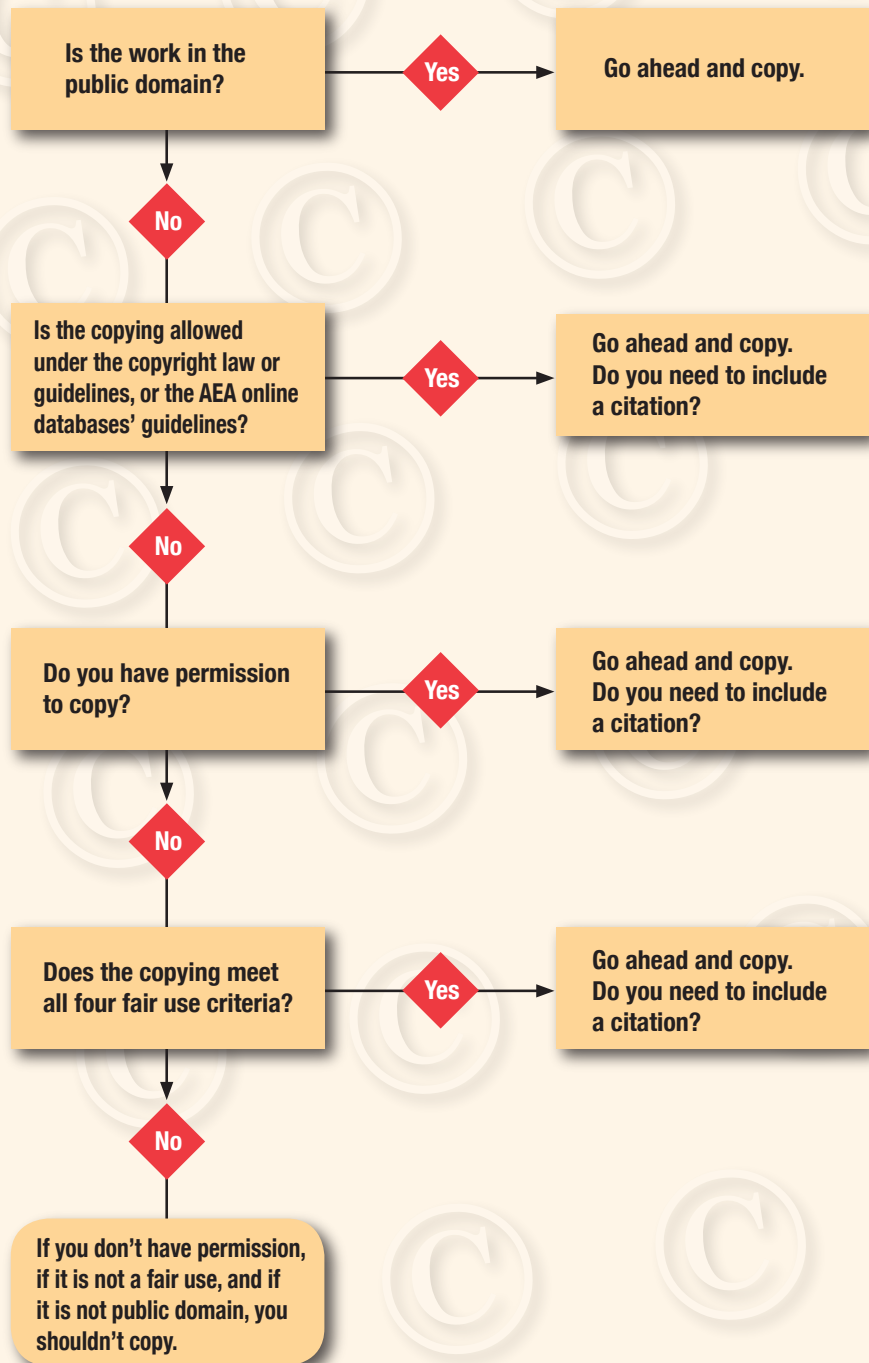
# copyright BriefNOTES



## Copyright for Students

Students should be aware of their rights and responsibilities as users of copyrighted materials. This guide is meant to help students make good choices when using copyrighted material in multimedia projects, research papers, presentations, etc.

### Making Copyright Choices





## Questions and Answers

Technology is a great tool. It's easy to copy a video or CD, scan an image, transfer digital text or audio files electronically, make a photocopy, use video streaming, etc. There are restrictions as to what you can copy—no matter how easy it is to do.

### Q. Why is copyright important?

A. It's the law. Copyright protects the rights of the person who composed the music, wrote the book, wrote the computer code, recorded the video, created the multimedia show, authored the website, designed the movie poster, etc. It allows the copyright owner to decide how, when, and where their work can be reproduced and used.

### Q. Are copyright and plagiarism the same thing?

A. They're similar. Plagiarism is taking someone else's work and passing it off as your own. Plagiarism usually means that copyright has also been violated.

### Q. So how do I know what's copyrighted?

A. Copyright is established as soon as the work is in a "tangible form". It includes poetry, novels, movies, songs, music, computer software, sculpture, architecture, etc. You should assume that a work is copyrighted even if the word "copyright" or the © isn't there. Copyright lasts for the life of the author plus 70 years. Some works are in the public domain, but you have to check to be sure.

### Q. What's public domain?

A. Some works can be copied because the copyright has expired or the works were placed in the public domain. Examples of items in the public domain include ideas, blank forms, scorecards, standard calendars. Factual information is in the public domain, so a student can use facts that are published in a copyrighted work. It's the unique expression of facts that is copyrighted, not the facts themselves.

### Q. I'm a student, so isn't everything I copy fair use?

A. No. There are four criteria that must be met before copying can be considered fair use.

1. The purpose and character of the use (commercial, nonprofit, teaching, etc.)
2. The nature of the copyrighted work (Is the work fact or fiction?)
3. The amount used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for the copyrighted work

### Q. So, if I buy a CD, book, song, DVD, video, game, or sheet music, doesn't that mean I own the copyright?

A. No. What you have is a lawfully-made copy. The copyright owner still has five exclusive rights: reproduce the work, prepare a derivative work, distribute the work, perform the work publicly, and display the work publicly.

### Q. What happens if I violate copyright?

A. Penalties vary. It depends on the intent, what was copied, how much was copied, and how the copies were used and/or distributed. Penalties range from a cease-and-desist order to monetary fines to lawsuits. Copyright infringement can be serious and expensive.

## Multimedia Guidelines

- Students may use portions of lawfully acquired copyrighted works in their multimedia projects.
- Students can perform and display their own multimedia projects created for a class. They can also use them in portfolios (i.e. college or job interviews).
- Students can't make or distribute additional multiple copies unless individual copyright permissions are received.
- The opening screen of the program and accompanying material should say that the presentation has been prepared under the fair use exemption of the U.S. Copyright Law, that the educational multimedia fair use guidelines were followed, and further use is restricted.
- The online databases provided by the AEAs have different guidelines for copying. Check each database (EBSCO, SIRS, ClipArt, World Book, etc.).

- If the presentation might be shown beyond the classroom (Internet, competition, public performance, etc.), get copyright permission while creating the multimedia project.
- Credit sources, giving full bibliographic information when available.
- Students do not need to write for permission if the copying meets the multimedia fair use guidelines.



### Print

- ❑ Up to 10% or 1,000 words, whichever is less
- ❑ 10% or 2 pages from a short children's book
- ❑ Poems
  - ✓ Entire poem if less than 250 words
  - ✓ 250 words or less if longer poem
  - ✓ No more than 5 poems (or excerpts) of different poets from an anthology
  - ✓ Only 3 poems (or excerpts) per poet

### Motion media

- ❑ Up to 10% or 3 minutes, whichever is less
- ❑ Can make alterations if it supports an instructional objective. (Note that a change was made.)

### Illustrations, photographs

- ❑ A photograph or illustration may be used in its entirety.
- ❑ No more than 5 images of an artist's or photographer's work
- ❑ When using a collection, no more than 10% or no more than 15 images, whichever is less
- ❑ Can make alterations if it supports an instructional objective (Note that a change was made.)

## Music, lyrics, music video

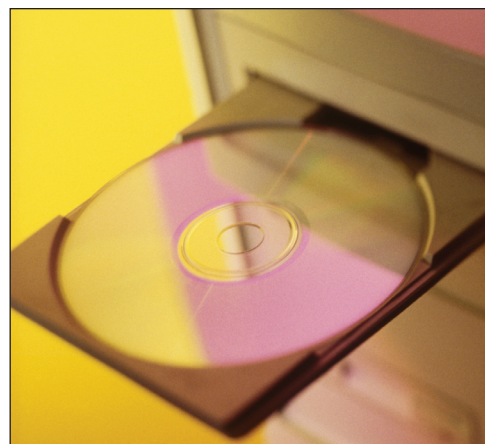
- ❑ Up to 10%, but no more than 30 seconds
- ❑ Can make alterations if it supports an instructional objective (Note that a change was made.)
- ❑ Don't change the basic melody or the fundamental character of the work.

## Numerical data sets

- ❑ Up to 10% or 2,500 fields or cell entries, whichever is less.

## Bibliographic citation

- ❑ Credit the source even if it is a fair use.
- ❑ Credit and copyright information can be in a separate section of the multimedia project. Include author, title, publisher, place, URL, and date of publication.
- ❑ Opening screen must include a statement that certain materials are included under the fair use and educational multimedia guidelines, and further use is restricted.
- ❑ Check with your teacher or teacher librarian for the works cited format used in your district.



## Software

- Be sure to read the software license for restrictions.
- You can make one back-up copy of a software program that you own.
- You can use the back-up copy only if the original fails.
- You can adapt a computer program to your use by adding to the content or adapting it to another language.
- You can't sell, distribute, or transfer the adapted version of that program.
- You can't make multiple back-up copies.

- You can't make one copy for home and one copy for school use.
- You can't make a copy for a friend (unless it's public domain).

## Books and Periodicals

- You can make single copies of a chapter of a book; an article from a periodical or newspaper; a short story, essay, or poem; a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
- Short works such as children's books are often less than 2,500 words. These works cannot be copied as a whole, but you can copy an excerpt of 10% or two pages.

## Music

- Copies of excerpts may be made if less than 10% of the whole work and if it is not a performable unit such as a selection, movement, or aria.
- Printed music that has been purchased may be edited or simplified if the fundamental character of the work is not distorted or the lyrics altered or added if none exist.
- A single copy of an entire performable unit can be made if it is out of print or unavailable except in a larger work. It can't be used for performance.
- You can't copy to avoid purchase.
- Performance rights organizations (ASCAP, BMI and SESAC) handle copyright licenses for the performance of musical works, including a podcast. For individual songs, contact the producer/publisher.

## Video

- For a multimedia project, you can copy up to 10% or 3 minutes, whichever is less. You can make alterations if they support an instructional objective. (Note that a change was made.)
- Copying an entire copyrighted video is a violation (even if it's for personal use), because it is copying to avoid purchase.

## Internet

- Text, graphics, videos, and music are protected.
- Internet resources often combine copyrighted and public domain information. Just because information is on the Internet

doesn't mean that you have the right to use it anyway you want. Also, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

- Many websites are highly creative in design and content and are generally protected by copyright. Source, HTML, and frame codes are usually copyrighted.
- When deciding how much to copy from the Internet, follow the general guidelines for print, multimedia, and fair use copying. Those are the best guidelines available right now to help decide if copying from the Internet is allowed.
- Some Internet sites will give permission to copy. Read the copyright statement that should be on the website.
- Many U.S. government sites give permission to use the information freely.
- When in doubt, assume the website and its content is copyrighted.
- Apply the fair use guidelines.

## File Sharing on the Internet

The courts are still trying to come up with some guidelines. Generally, if you are sharing or downloading files made from unlawful copies, it is probably a copyright violation. Check to see if the peer-to-peer file sharing resources you are using are legitimate or pirated.

## Creating Websites

- Don't copy logos or trademarks and make them a hyperlink on a website; they are copyrighted or trademarked. Use the words, not the logo. For example, enter "Nike" for the hyperlink instead of the swoosh.
- Don't copy the source, HTML, or frame codes. They are creative works and are probably copyrighted.
- Before launching a website, make sure you have the proper rights for the graphics, designs, logos, and photos.
- Consider asking for permission to add a URL to a website if traffic will be high.
- Check if the district has a policy on school-sponsored publications. District guidelines for posting web information may be covered under those guidelines.
- Avoid deep linking to a website. (Deep links bypass the homepage.)



## How to Request Permission to Copy

You can request permission to copy by e-mail or letter. Don't ask for blanket permission to copy. Address the request to the permissions department of the publisher or directly to the copyright holder and include the following information:

- ❑ Title, author and/or editor, and edition of material
- ❑ Exact material to be copied (amount, page numbers, URL, track, file, etc.)
- ❑ Number of copies to be made
- ❑ Use to be made of the copied material
- ❑ Whether or not the copies are to be sold
- ❑ Type of reprint (download, digital transfer, scan, photocopy, etc.)

Several templates for requesting permission to use a website are available online:

[www.landmark-project.com/permission\\_student.php](http://www.landmark-project.com/permission_student.php)

[www.bham.wednet.edu/copyperm.htm](http://www.bham.wednet.edu/copyperm.htm)

*(These sites were included with permission.)*



# Iowa AEA Online

Educational Resources Funded and Provided by Iowa's Area Education Agencies

## Online Databases on the Internet

Iowa's AEAs provide teachers and students access to several online databases on the Internet ([www.iowaaeaonline.org](http://www.iowaaeaonline.org)). The licenses have specific guidelines as to what you can copy. Ask your school's teacher librarian for assistance. Do not share the user ID and/or password with unauthorized users.

### AP Multimedia Archive & AccuWeather

- ❑ Students can print copies of images for reports, term papers, theses, class handouts, and research.
- ❑ Students can use images in multimedia presentations, overhead transparencies, and slide shows.
- ❑ Students (and teachers) can't use images to publish in newspapers, magazines, brochures, catalogs, commercial announcements, calendars, posters, yearbooks, playbills, newsletters, t-shirts, promotional items, or for commercial use or gain of any kind.

### ClipArt.com

- ❑ Students can download unlimited clip art images, photos, and web art images for educational use.
- ❑ Students (and teachers) can't use photos or images of people or entities as an endorsement or in association with any product or service.
- ❑ Students (and teachers) can't add files to a website with the intention to redistribute the information.

### EBSCO Databases

- ❑ Students should copy in accordance with the fair use guidelines and the following three restrictions.
  - ✓ Students can download, print, e-mail limited copies for personal, non-commercial use.
  - ✓ The information may not be published.
  - ✓ Downloading in a systematic or regular manner so as to create a collection of materials (print or nonprint) is not allowed.

### SIRS Researcher

- ❑ Printouts (online or offline, fax, e-mail) can be made for school or personal use.

### unitedstreaming®

- ❑ Maintain the original intent of video. (Some videos may be edited.)
- ❑ Students can keep projects with video clips in their personal portfolios.
- ❑ Videos may not be posted/reused on the Internet.
- ❑ You may not convert digital video to analog (or take the video clip from the computer, CD, etc. and record it onto a VHS tape).

### World Book Reference Center

- ❑ Permission is not needed if:
  - ✓ The information is put in your own words.
  - ✓ The use is educational, noncommercial, and/or personal.
  - ✓ No changes or deletions are made to the content.
  - ✓ Author attributions are retained/displayed in proper citation form.
  - ✓ Photos and media attributions are retained/displayed.
  - ✓ Source of information and copyright/trademark are retained/displayed.
- ❑ Information may be used in PowerPoint or similar presentations.
- ❑ Link only to the homepage. No deep linking without permission.
- ❑ If the material is to be distributed over the Internet or an intranet, ask for permission.

Visit Iowa AEA Online at  
[www.iowaaeaonline.org](http://www.iowaaeaonline.org)



This is a summary of the U.S. copyright law (Title 17) and copyright guidelines. This handout does not constitute legal opinion. It is intended to be a general discussion and not a definitive analysis of copyright.

All Iowa AEAs are required to adhere to state and federal laws that prohibit discrimination in programs, activities and employment practices. For specific information, contact your AEA.

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