

Copyright  
for the  
Classroom

# WHAT IS COPYRIGHT?

- ❑ The exclusive right to reproduce, publish and sell the matter and form of a literary, musical, or artistic work.
- ❑ US Copyright laws cover all forms of expression as long as they are documented in some durable form – written on paper, recorded on tape, painted on canvas, or colored into a computer

# WHAT IS COPYRIGHT?

- ❑ Ideas in your head are not protected by copyright, but if you write it down, record it on tape or some other type permanently recorded format, your expression of the idea is now protected
- ❑ Protected works may be prose, drama, dance, music, art, or sets if electronic instructions
- ❑ The © is no longer essential for copyright protection

# WHAT IS COPYRIGHT?

- ❑ One should assume that all works created after January 1, 1978 are protected by copyright unless shown otherwise
- ❑ “If you can see it, read it, watch it, or hear it - with or without the use of a computer, projector, or other electronic device – the work is likely eligible for copyright protection.

*(Kenneth Crews, ALA)*

# What is Not Protected by Copyright?

- ❑ Works that have not been fixed in a tangible medium of expression
- ❑ Titles, short phrases, names, common symbols, or designs, slight variations on type styles, lettering , or coloring, or lists of ingredients

# What is Not Protected by Copyright?

- Ideas, procedures, methods, discoveries, but descriptions or illustrations of these items may be protected by copyright
- Works containing only non-protected material with no original authorship, such as plain calendars, lists of common factors, recipes, or charts of measures
- Works created by the federal government may not be protected

# Penalties & Liabilities

- ❑ “Innocent Infringement” – fines may run as little as \$200 per work infringed
  - ❑ “Willful Infringement” – fines may run as high as \$150,000 per instance
- ❑ Legal fees and court costs must also be considered
  - ❑ Most copyright suits are civil matters
  - ❑ In 1992, the penalty for criminal infringement of computer software copyright (“piracy”) was raised to felony status

# The Librarian's Liability

- ❑ If illicit copies are made on library-owned equipment, the librarian who lent the equipment could be involved in the infringement action



# The Principal's Liability

- Since principals have all-encompassing responsibility within the school, copyright owners will assume that the principal has some knowledge of events or control over those who are breaking copyright laws

# What is “Fair Use?”

- ❑ Fair use is the means by which educators of nonprofit educational institutions may use copyrighted works without seeking permission or making payment to the author or publisher
- ❑ Teachers claiming fair use can make copies for personal, research, or classroom use

**Copyright Law does provide  
several instances in which  
reproduction of copyrighted  
items is permissible**

**These are  
“Fair Use Exemptions”**

# To determine whether the use made is a fair use, the factors to be considered include:

- The purpose & character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
  - The nature of the copyrighted work
- The amount & 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

**The law implies that Congress  
intends to protect the rights  
of the author while still  
allowing legitimate educational  
and research uses of  
Copyrighted material.**

**What Can I Copy?**

# Print:

## Single Copies for Teachers

- ❑ A single copy of a chapter from a book
- ❑ A single copy of an article from a periodical or newspaper
- ❑ A single copy of a short story, short essay, or short poem, even if it is contained in a collection
- ❑ A single copy of a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper

# There are three “3” significant prohibitions to the print permission which apply to single copies for teachers:

- ❑ Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works

- ❑ There shall be no copying from works intended to be “consumable” in the course of study or of teaching. (These include workbooks, exercises, standardized test, test books, answer sheets, and similar consumable material.)

- ❑ Copying shall not substitute for the purchase of books, publisher’s reprints, or periodicals; be directed by higher authority, or be repeated with respect to the same item by the same teacher from term to term



# Print:

## Multiple Copies for Teachers

- ❑ A whole poem (only if it is under 250 words)
- ❑ A whole article, story or essay only if it is less than 2,500 words
- ❑ A single chart, graph, diagram, drawing, cartoon, or picture per book or magazine
  - ❑ Only two pages of a picture book (as long as the two pages do not contain more than 10 percent of the total text of the book)

# For multiple copies for classroom use, teachers may not copy:

- ❑ “Extra” copies for students; only one “1” per student enrolled in class
- ❑ More than one entire item (or two excerpts) from a single author, or three articles from a single book or periodical volume during one class term
- ❑ More than nine instances per course during a class term

# Computer Software

- ❑ Computer software cannot be copied without written permission from the copyright holder. (Exception: If you purchased the software you may make one “1” backup copy of the original diskettes)
- ❑ Software may be copied onto the hard drive of a computer in order to run the program, but it is against the law to maintain simultaneous copies in different hard drives

# Music

- ❑ Emergency copies can be made for immediate performance, provided replacement copies have been made
  - ❑ Up to 10 percent of a copyrighted musical composition, but no more than 30 seconds
- ❑ Up to 10 percent of a body of sound recording, but no more than 30 seconds
  - ❑ Any alterations cannot change the basic melody or the fundamental character of the work

# Audiovisual

- ❑ The performance must be presented by instructors or pupils
- ❑ The performance must occur in the course of face-to-face teaching activities
- ❑ The performance must take place in a classroom or similar place of instruction (including the media center) in a nonprofit educational institution
- ❑ The performance must be of a legally acquired (or legally copied) copy of the work

# Motion Media

- ❑ Up to 10 percent of a copyrighted work or 3 minutes, whichever is less
  - ❑ Clip cannot be altered in any way

# ILLUSTRATIONS

- ❑ 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 percent or no more than 15 images, whichever is less

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Copyright for Schools:  
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# Questions

# 1

# COPYRIGHT

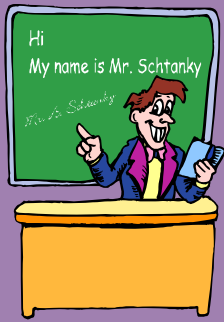
**QUESTION:** Do students own the copyright on the works they create?



**ANSWER:** Yes. Original student works are protected by copyright just as any other creative work. Because most public school students are minors, however, parents or legal guardians must grant permission in writing for schools to use student work in publications, exhibits, and other public venues.



# 2



## COPYRIGHT



**QUESTION:** I wrote a detailed instructional unit for teaching a novel. This unit was used in my ninth grade English class, but I wrote it entirely on my own time and at home. Do I own the copyright for this unit?

**ANSWER:** The answer is “maybe.” If the unit was created independently of your teaching duties, and you just happened to use it at a later date, you could make a good case that the copyright is yours. However, if the unit was created expressly for your ninth grade class, the district would have a good case for at least partial ownership of the unit. Since “within the scope of employment” doesn’t specify hours and days, and since most teachers do grading and other school tasks at home, the school could assert this was within the scope of employment.

3



Unprotected  
by  
COPYRIGHT

**QUESTION:** We'd like to print and sell a recipe book for a fund-raiser. What copyright implications are there?

**ANSWER:** Recipes consisting of lists of ingredients and simple assembly instructions may be freely reproduced as they are not protectable by copyright.



# 4

## COPYRIGHT AND TEACHER ASSISTANTS



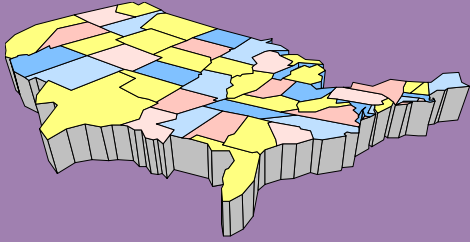
**QUESTION:** I am a teacher assistant and would like to know if I am breaking copyright laws when asked by a teacher to make copies from workbooks, coloring books, etc.?

**ANSWER:** Yes. Workbooks, coloring books, standardized tests, etc. are considered consumables.

# REMEMBER

The person that pushes the button is just as liable as the person that asked to have the copying, adaptation, etc. performed.

5



**QUESTION: I'd like to copy an outline map of my state. What copyright implications do I face?**

**FAIR  
USE**



**ANSWER: Simple outline diagrams and maps are not eligible for copyright protection. You may copy these types of materials at will.**

6

EXTRA!!! The Times EXTRA!!!

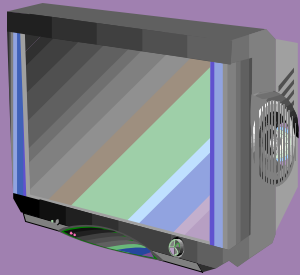
NOT  
FAIR  
USE



**QUESTION:** As English coordinator, I would like to require all the high school English teachers to copy and distribute an editorial from the local newspaper to use as a standardized test-writing prompt. Since this is a small newspaper, would this be permissible?

**ANSWER:** This small copying would be acceptable if the classroom teacher were making the copying decision. Because this copying is being directed by a *higher authority*, such copying is *not* permitted under the fair use guidelines.

7



"BOTTOM  
UP  
RULE"



**QUESTION:** As librarian I like to have materials on hand. I know my teachers will want a tape of a particular TV program. May I tape the programs knowing they will ask for it?

**ANSWER:** Taping in anticipation of request is not permitted. You can, however, notify the teachers in advance and suggest they fill out a taping request so you can have the tape for them when they need it.



8



# "BOTTOM UP RULE"



**QUESTION:** As a principal, I want to have teachers read the latest professional materials. I propose having my faculty maintain a notebook of articles that I select, but they photocopy. Is this permitted since I will not be doing the copies?

**ANSWER:** Probably not. As the teachers' supervisor, you may **SUGGEST** they read the articles, but the decision to copy the materials must be left up to the teachers themselves.

9



**QUESTION:** We have a new poster-making machine. It will take an 8 ½" X 11" copy or printout and make it into a 23" X 31" poster. If a teacher makes a photocopy of a page out of a textbook and uses the copy to make a poster for display in the classroom during the unit being taught, is it violating any copyright laws?

ADAPTATION

**ANSWER:** A single copy for personal research or *use in teaching* is permitted, so if the teacher *discards* the original photocopy and just keeps the poster, there should be a reasonable claim of fair use.



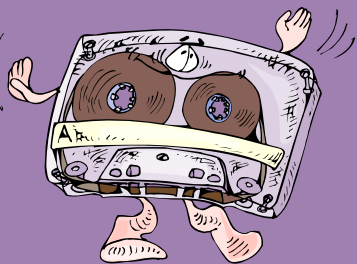
# 10 PRINT MATERIALS

**QUESTION:** Our tenth grade English teachers require their students to create an anthology of poetry, essays, short stories, and articles on one thematic aspect of the Holocaust. Since the law states that copying should not be used to create or be a substitute for anthologies, compilations, or collective works, is this a violation of copyright law?

**ANSWER:** The print anthologies restriction is addressed more to teachers who simply photocopy the work rather than purchase textbooks. If the students make only a single copy of the materials for their own projects, make the choice of what to copy, and the projects revert to the students at the end of the assignment, there should be no problem.



# 11



## BOOKS ON TAPE



**QUESTION:** Is it okay for a teacher to record a picture book and let kindergarten students listen to the story on the tape while looking at the book?

**ANSWER:** There is a special exception to copyright law for handicapped users that allow this practice, but the person for whom you are recording the book must be blind or otherwise physically unable to use a book. The copy must also be made on a special recorder designed for handicapped users. Making a copy of a book by recording it is the same (according to the law) as making a copy by photocopying it. Remember that for picture books there is a copy limitation (under “Fair Use”) of two pages or 10% of the text, whichever is less.

# 12

# GRAPHICS

**QUESTION:** I am putting up a Web page and want to post images of Cezanne and Van Gogh's paintings. If I take a photograph of a painting, can I use this?

**ANSWER:** If you can get the museum to allow you to take a photo of the original (which is long out of copyright), you can post it. But, if you scan a professional photo of the old master painting, you have violated the copyright of the photographer (or more likely the museum, which owns the painting since it probably commissioned the photos).



13

# GRAPHICS

**QUESTION:** A teacher has plastered his walls with newspaper cartoons. Is it a copyright violation for teachers to cut out cartoons and display them?

**ANSWER:** Presuming that the teacher bought the book or newspaper, he may cut it up and post the cartoons on his wall. The teacher may also make a single copy of a cartoon for his personal use for teaching.



# 14

# GRAPHICS

**QUESTION:** Photocopied pictures of scenes from movies are displayed on a bulletin board, some pictures are from old movies while others are more recent. I didn't select the pictures, so I am not sure if more than one came from the same book. Is it a violation?

**ANSWER:** If the bulletin board displays the teacher's own copies of these photos, there should be no problem. Remember that under fair use, anyone may make a single copy of something like a photo or chart for his personal research or teaching.



# 15

## DISTRIBUTION ISSUE

**QUESTION:** Our high school recently staged a musical and legitimately purchased the production rights for this event. A parent videotaped the performance and now would like to make copies of the videotape to sell to parents of cast members at exactly the cost of making the copies. These tapes would be used only for the enjoyment of the students' families. Will this violate copyright law?

**ANSWER:** UNLESS the school (or the parent) also purchased rights to distribute the production, this would likely be a violation of copyright. The law doesn't address this specific situation, but it does address performances of music. A school may make a single tape of a musical performance, but that copy can be used only in class to critique the performance.





# 16

## FAIR USE

**QUESTION:** Our assistant principal wants to purchase a high-speed cassette duplicating machine. He wants to get recordings of various types and pick songs or stories from them to make a collection. He will copy all these cassettes so teachers can have them in their classrooms. Is this an anthology?

**ANSWER:** Not only is this making an anthology, it is reproduction (a protected right) and distribution (yet another protected right). None of these suggested uses say anything about curriculum, classroom teaching, or any of the other triggers that might bring in a discussion of “Fair Use.”

**(answer continued on next slide)**



# 16

## PUBLIC PERFORMANCE



Of course, at the scope suggested, “Fair Use” would likely be out the window anyway: playing the original recordings in the classroom, as long as they are:

- ❑ directly tied to the lesson at hand in that specific classroom at the time
- ❑ the teacher is the one to make the decision to use the tapes (**Remember-a bottom-up copying scheme**)

# 16

## PUBLIC PERFORMANCE



- The only ones to hear the tape are the students and teachers in the class
- You are in a nonprofit educational institution
- You are working with a legally acquired (i.e. bought) copy of the work, you should be okay.

The problem here is that under the AV guidelines you must comply with **ALL** of the provisions. If you say no to any of the conditions, you don't qualify for "Fair Use."

# 17



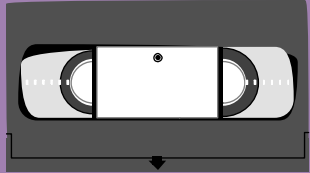
## PUBLIC PERFORMANCE



**QUESTION:** Our school will charter large, commercial buses for an extended field trip. The buses have VCRs and TVs. We would like to show a tape of a movie owned by one of the teachers to keep the children occupied while we make this lengthy trip. Is this legal?

**ANSWER:** Probably not unless performance rights were acquired with the tape. This use of video is not face-to-face instruction. It probably involves some people who are not students and teachers in the class, such as a bus driver or chaperones, and the bus might be considered a bit strange for an instructional locale. The copyright holder, however, could grant (or sell) you one-time public performance rights.

# 18



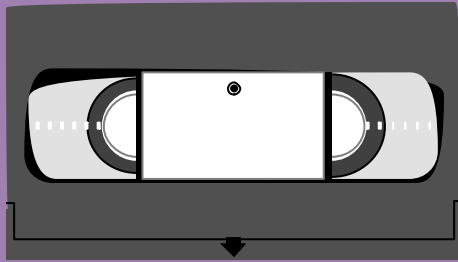
## PUBLIC PERFORMANCE



**QUESTION:** My question is not for curriculum-related showing but for the days that teachers use videos for nothing but babysitting or “rewards.” In that case isn’t it a violation to air a “home-use only” tape from Blockbuster if the purpose is entertainment?

**ANSWER:** It makes no difference where the tape is from, for either curricular or reward showings. The only significant concern is whether you own public performance rights for the tape. Blockbuster doesn’t sell or rent public performance rights; hence you can use the tape in only curricular situations. If your library owns the tape, for instance, and you don’t own performance rights, however, you can legally show it only in curricular situations.

# 19



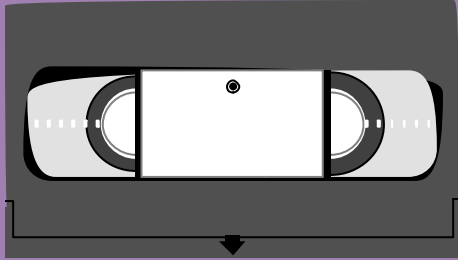
## PUBLIC

## PERFORMANCE



**QUESTION:** A Special Ed class continually shows Disney films (a student brings them from home) on Fridays as part of the curriculum. The teacher says that watching movies is part of the students' Individual Education Plan (IEP). These are very low-level students whose educational experience seems to be centered on social skills. Does an IEP override copyright law?

# 19



## PUBLIC

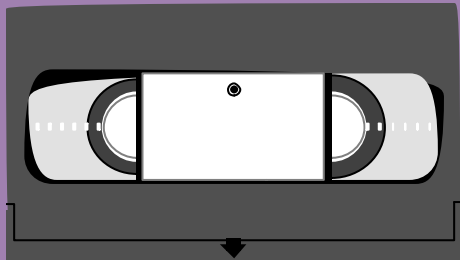
## PERFORMANCE



**ANSWER:** An IEP cannot stipulate that federal law be violated. A school where I served once had a class of emotionally disturbed students who watched feature films on a regular basis for “social skills.” However, these were films like *License to Drive* and *Ferris Buhler’s Day Off* Where the characters were forced to make decisions. The teacher would stop the film; the kids would Discuss the options, and possible repercussions. Then they would watch the rest of the film and see what happened. At the end they discussed what had happened and why. This could qualify as “**Fair Use.**”

Showing cartoons for reward (which is what your question appears to be) is specifically prohibited-no matter what someone writes down in a lesson plan or IEP. Such use requires **Public Performance Rights.**

# 20



## PUBLIC PERFORMANCE



**QUESTION:** Several teachers teaching the same subject want to view a video program at the same time. I am asked to show the video in a distribution system that would make it available, not just to these five teachers but to every teacher in the building. Is it legal for me to do this?

**ANSWER:** It is legal for you to show this video to the five teachers whose curriculum pertains to the video. You can even do that through a video distribution system. Other classes watching the same video, however, (those whose current curriculum does not include the topic of the video) would not be compliant showings.



# 21

## PUBLIC PERFORMANCE

**QUESTION:** Is it a violation of copyright to show just a clip of a movie?

**ANSWER:** As long as the clip doesn't constitute the "essence" of the work you should be okay. Remember, you can't put that clip on another tape, you must run it from a full copy of the video.



**QUESTION:** A teacher is teaching a unit on science fiction. She would like to use short clips from several science fiction movies. Can this be handled in a legal manner?

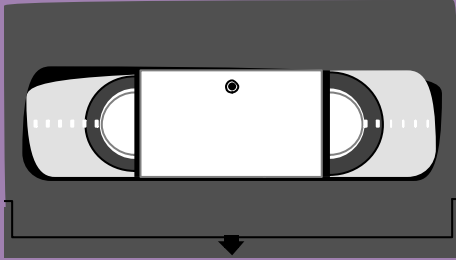
**ANSWER:** The answer is “it depends.” If she has the clips cued up on the tapes, and she punches play, runs the clips, then pops out the tape and does the same to the next one, **sure**. If she wants to make a new tape with just the clips in question, the answer is **no**. That is considered making an anthology and is not permitted.

**However**, if she will make a multimedia program such as PowerPoint she can use up to three-minute clips of video in that presentation, but she will need to check the new multi-media guidelines for the specific limits, retention times, and re-use limits.



# 23

## FILM AND VIDEO



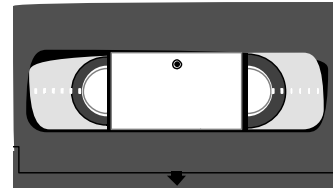
**QUESTION:** The orchestra director would like to have a concert using movie theme songs. We would like to play a video of the movie while the orchestra is playing. Our question is how can we use the video without breaking any copyright laws?

**ANSWER:** This isn't face-to-face instruction, and simply answering "no" to that qualifying question means that you don't qualify for an automatic "Fair Use" exemption. You can, however, go through the four tests of fair use to see if you qualify on those grounds.

# 24

## PUBLIC PERFORMANCE

**QUESTION:** Administrators ask the library staff to put videos from the library collection in the media distribution system so students can view them on two large screen TVs in the cafeteria during the five lunch periods. Isn't this in violation of copyright law on Public Performance?



**ANSWER:** This is likely a violation. You may, however, show videos for which you own Public Performance rights.



# 25

## Retention and Access



**QUESTION:** Can I take a student's multimedia project to a teacher's workshop outside the school district to use as an example if I obtain the student's and parent's permission?

**ANSWER:** If the student did all the work on the project, and there is no copyrighted material included in the project that the student did not create, then the permission of the student and parent is all that is required. If, however, the project includes copyrighted material used by the student under the multimedia "Fair Use" guidelines, only the student may use the project for workshops. The teacher may not retain copies of the work for any reason.

26

# QUANTITY LIMITS

**QUESTION:** The principal in my school would like to use a popular “top 40-type” song, along with a PowerPoint presentation. If the audio is played to coincide with the presentation, not taped onto the computer, or modified in any way, do we need special permission?

**ANSWER:** Your principal can use up to **30 seconds** of the song without permission. He may retain the presentation for two years from the date of its first use.

(continued on next slide)



□ He must have, as the first slide in his presentation, the statement, “**This presentation contains copyrighted material used under the educational “Fair Use” exemption to U.S. Copyright law**” (or words to that effect).

□ The last slide(s) of the program must include a mediagraphy that includes the copyright information (copyright date and copyright holder) for **EACH** piece of copyrighted material used in the presentation.



# 27

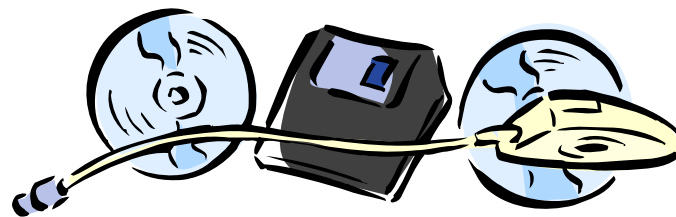
## Copyright Infringement

VS.

## Plagiarism



**QUESTION:** I want to use material that I have captured from the Internet and from a CD-ROM. As long as I cite the source, I can copy anything I like, right?



**ANSWER:** Not necessarily. Just citing a source doesn't absolve you of the responsibility to get permission from the copyright owner if you don't qualify for "Fair Use."



28



# MUSIC



**QUESTION:** We want to take a popular song and rewrite the lyrics to honor our principal. The choir would perform this song at the principal's retirement celebration. Is this legal?

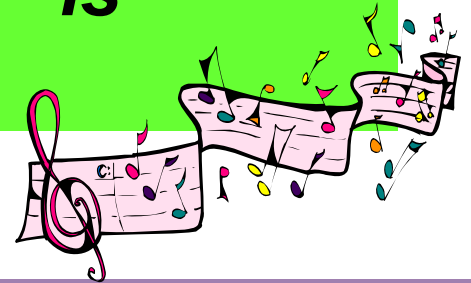
**ANSWER:** Based on the Guidelines for Educational Uses of Music, this is *not* permitted under "Fair Use." Copies of purchased music may be simplified (arranged for young learners) but lyrics may not be changed or added.

29

# MUSIC

**QUESTION:** The music appreciation class wants to take portions of recordings and make “listening tests.” Since this is an anthology, is this permitted?

**ANSWER:** According to the Guidelines for Educational Uses of Music, taking excerpts of school-owned recordings for “aural examinations” *is permitted.*



# 31 Computer Software Copyright



**QUESTION:** I want to install software I use at work on my computer at home so I can transfer data back and forth. Can I rely on the 80/20 rule to install this software?

**ANSWER:** There is no such thing as an **80/20** rule. Some software licenses allow you to install software from a computer onto a laptop or a computer at home, but the provisions of the individual software license will determine if such installations are acceptable.

# 31 Computer Software Copyright



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32

Use  
of  
Web  
Pages



**QUESTION:** Must I have permission to put a link to another Web page on my own page?

**ANSWER:** Links have been likened to cross references in a library card catalog. They are facts (just like street addresses) and cannot be protected by copyright, so making links should be acceptable. **NOTE:** It is highly recommended to ask for permission.

33

# Use of Web Pages

**QUESTION:** I am a principal and print out pages from the Internet, photocopy them, and pass them along to my department heads. I usually include notes for them to “share” this with members of their department. Can I legally print out pages from the Internet by invoking the browser print function?



33



# Use of Web Pages



**ANSWER:** Under “Fair Use” you may make a single copy of up to a chapter of a book or an article of a magazine (not the entire work) for your own personal use and education, including use in teaching.

These *teachers aren't your students* so they don't qualify for the “Fair Use” exemption. (If they were your students, you would have some limited ability to make multiple copies.) You will need permission to make the copies you describe.