

# Copyright

*Copyright* defined: Copyright is a property right to materials written and produced by authors.

## General Information

**WHOM** does the law protect?

The individual/copyright holder who originated the written, audio, or visual work

**HOW** does the copyright holder benefit?

Financially! Other persons are discouraged from using the work for their own profit and thus depriving the copyright owner of profits.

**WHAT** exclusive rights are granted to the copyright holder and therefore are illegal for other people?

- a. reproducing copies of the work
- b. preparing derivative works based on the copyrighted work (i.e. editing the original)
- c. distributing copies of the work by sale, rental, lease, or lending
- d. publicly performing the work (i.e. musical, dramatic, audio-visual)
- e. publicly displaying the work (i.e. art, sculpture, graphic)

**WHEN** does a copyrighted work become a public domain work, free of copyright restrictions?

- ⌚ 50 years after the death of the author or earlier if the copyright was not renewed by the holder
- ⌚ 75 to 100 years after the copyright was issued (for anonymous works)

## What Is Fair Use?

“Fair Use” is a legal doctrine developed by the courts through case law. This doctrine has been codified in section 197 of the copyright law. If a use of copyrighted material is deemed “fair use,” clearance from or payment to the copyright owner is not required.

Basically, the law is saying that Congress intends to protect the rights of the author while still allowing legitimate educational and research uses of copyrighted materials.

The distinction between “fair use” and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission.

Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

This section of the copyright law gives educators special privileges to use copyrighted works provided they do not infringe on a copyright holder's rights

### Fair Use Doctrine: Section 197 of Copyright Law PL 94-553

The fair-use doctrine which provides limited exclusions for educators to use copyrighted works for instructional purposes requires four (4) qualifications:

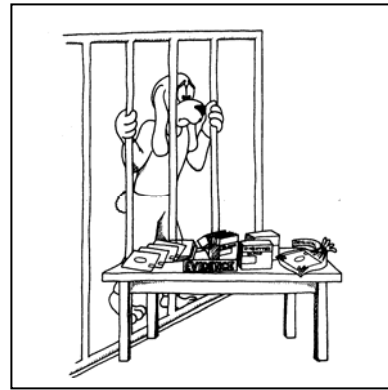
1. The **amount** of material copied or used **is a small part** of the work from which it was taken.
2. **No profit** is made from the use.
3. The economic **loss to the copyright holder is not significant**.
4. The material was not originally published for educational use, and there **is no intent to republish or display it publicly**.

*A claim of fair use of copyrighted works always presupposes good faith by the educator.*

### Penalties for Copyright Infringement

Educators can be sued for violating the rights of a copyright owner.

If charges of infringement are substantiated, innocent or inadvertent, educators can be ordered by the court to pay statutory damages to the copyright owner.

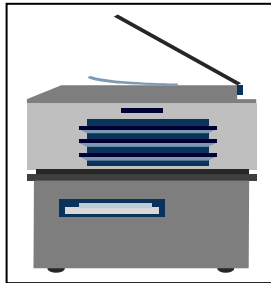


## Photocopying and Copyright Law Compliance

Checklist for photocopying:

- Copying must not substitute for the purchase of books or periodicals, especially of "consumable" materials such as workbooks.
- Include the notice of copyright on all copies.
- Meet three (3) tests:
  1. **Brevity** -- Only a small portion of the work is copied.
  2. **Spontaneity** -- The decision to use the work was so close to the classroom activity that it was not be feasible to write for and receive permission from the publisher to duplicate.
  3. **Cumulative effect** -- Copying to give each student a copy of the work (making multiple copies) is limited to a small amount of the work's entirety during one course or term.

***Apply the 10% rule*** by using no more than 10% of any work.



**Photocopiers** should have the following notice placed on them:

The Copyright law of the United States (Title 17. U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringements.

**If copyright permission is needed, use/modify the following sample letter.**



## **Copyright and Plagiarism Guidelines *for Students***

- You may make a single photocopy of any material you need to complete your schoolwork, or for your own personal research. You may keep the copies you make as long as you like, but you may not sell them.
  - You must respect the copyright of materials you use. You may not modify or change the material nor may you perform or display the material except in conjunction with class work.
  - You may use copyrighted material to do your schoolwork, but you must give the author credit either in the text or in a footnote. If you use an author's works, you must put the words in quotation marks. Failure to give credit to the author is plagiarism.
  - Use of copyrighted materials outside of regular class work requires written permission of the copyright holder. This includes graphic material such as cartoon characters on posters or other spirit or decorative matter.
  - You may not copy computer software from the school computers.
  - Information received from the school computers may be used only for regular schoolwork or personal research (see Internet Copyright Guidelines).
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## **Videotapes of Students**

Media specialists should use precaution when videotaping a production (holiday pageant, musical performance, play, etc.) which involves students because of potential copyright infringements.

Making a live recording of the event for school records would probably not be considered an infringement.

Making copies of that recording and distributing them (for a fee or for free) to parents would be an infringement of copyright. The issue here is the content of the event such as the music, the script, etc....not the students.

Multiple copies of taped performances should not be made to give or to sell to parents/guardians/public.

Schools are not responsible for regulating the taping of live events by parents when that taping occurs during a public performance.

## **Non-print Materials and Copyright Compliance**

### **Sound Recordings (audio cassette tapes, audio CDs, Records)**

- Materials cannot be duplicated or converted to another format (i.e. a CD cannot be transferred to audio tape)
- Materials may not be used in an auditorium or setting open to the public. For use in such a setting, public performance rights from the copyright holder would be required.

### **Computer Software**

- Software can be used/installed in only one computer at a time, unless purchased as a network version or with a site license.
- One copy can be made for archival purposes. Use the copy and store the original software so it will be available as a master set if the copy is ever damaged during use.

### **Internet Resources**

- As long as use of the copyrighted work is limited to inside the classroom, then a teacher is probably operating within the copyright laws.
- Always give proper credit to any borrowed Internet work. Make sure that students cite and attribute the work they take from the Net for their reports and essays.
- If posting a copyrighted work online or taking it to work outside of the classroom, then a teacher should contact the original owner of the copyright for permission to use the work. If the work was taken from a Website, a teacher might e-mail the site's WebMaster for permission to use it.

### **Videos**

- See the following pages for "District Guidelines for Use of Videos" in Volusia County Schools. District Guidelines take precedence over Copyright Law which is less restrictive.
- According to Copyright Law, any video (including Home Use Only videos of any rating) could be used for instructional purposes provided it is not played on the school's closed-circuit television system. Volusia County Schools' guidelines, however, restrict the use of these Home Use Only videos that are rated G, PG/PG-13, R, or NC-17 X.
- Videos purchased with "public performance rights" (to use in an open-to-the-public setting) are expensive but they may be used for enrichment, reward, or motivation; for special programs such as after-school programs; and in assembly or auditorium programs which are open to parents and/or the public.
- Videos may not be duplicated or edited without written permission from the copyright holder.

## District Guidelines for Use of Videos

### Rated Videos:

Videos rated by the Motion Picture Association of America are “For Home Use Only.” They are produced for entertainment. Per Copyright Law, rated videos may not be played on the school’s closed-circuit television system. **Per Volusia County Schools’ guidelines, rated videos may be used only with principal approval and according to conditions listed for each rating:**

**NC-17 or X**

may **NOT** be used under any circumstances.

**R**

may **NOT** be used under any circumstances.

**PG/ PG-13**

**MAY** be used provided there is

- (a) school administrator approval in writing on the designated form; and
- (b) a parent permission form on file for each student. (An alternate, related assignment must be provided to students without permission forms.)

**PG/PG-13 videos approved by the school administrator must be labeled to alert all potential users of the rating.**

- Apply two labels: (1) “Alert--PG/PG-13” to outside case  
(2) “Alert--Preview “to top of actual video.

**Labels are available from district Media Services Office**  
(see examples below).

**G**

**MAY** be used if content complies with Copyright Law for instructional use only and under the following conditions:

1. Content supports the instructional objectives and course of instruction.
2. Video is not used for entertainment, recreation, time fillers, fund raisers, motivation, rewards, or cultural value, and is not shown in an auditorium setting open to the parents or the public.
3. The original video tape, not a copy, is used.
4. Video will not be played on the school’s closed-circuit TV system.

**The following forms are in the appendix:**

- ◆ Parent video permission form
- ◆ Teacher Request G rated video
- ◆ Teacher Request PG-PG13

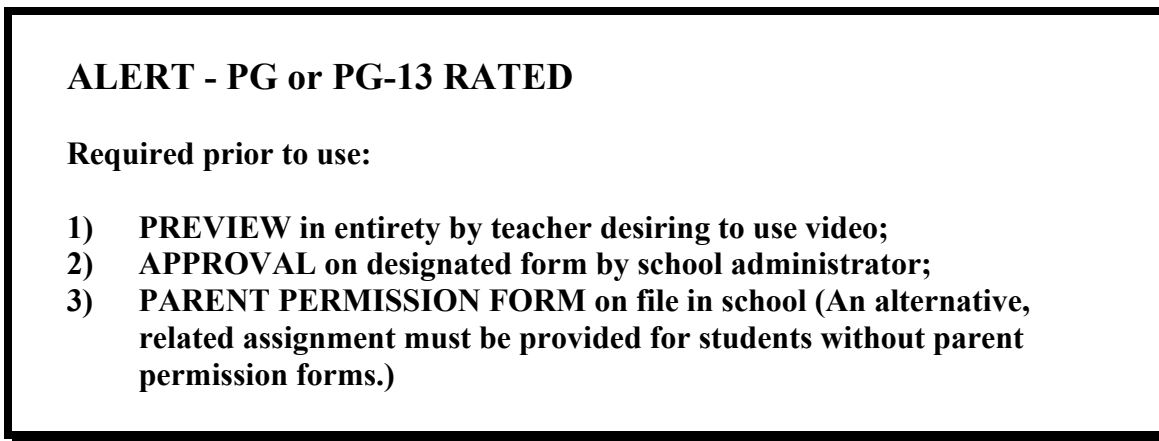
## **“Alert” Labeling of School Media Center Materials Rated PG/PG-13**

Materials that have sensitive content or are not appropriate for all students should have at least two labels applied to alert teachers of the content.

The label shown below should be applied to the **outside** of the video case.



The label shown below should be applied to the **top** of the actual video case.



**Idea:** A colored dot with letters “VCR” may be applied to the spine of a principal-approved video rated G or PG/PG-13 to indicate that the video must be played on a stand-alone VCR per Copyright Law.

### **Usage Notice about VCRs**

The following statement should be communicated to teachers in faculty handbooks, during faculty presentation, on labels applied to VCRs, etc.:

*Teacher,*

*Your use of a VCR on school property acknowledges that you are using it in compliance with Federal Copyright Laws, Florida Statutes, and School District Policy and Guidelines regarding appropriate use of materials.*

*If you have any questions, please contact your media specialist.*

## Non-rated Videos & “Off-Air” Taping

Non-rated videos may be taped from “Off-Air” channels of Commercial Television Networks and used under the 10/45 copyright provision. This means that the educator must use the video within 10 days from taping and may keep it for 45 days for review purposes. After 45 days, the video must be erased.

“Off-Air” networks broadcast to the general public free of charge, and their programs can be received without cable or satellite capability.

**In Volusia County, the “Off-Air” Television channels include:**

**Ch. 2, 4, 6, 9, 15, 24, 35, 43**

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“On-Air” channels charge a fee and require cable access or satellite reception. **“On-air” channels cannot legally be taped without written permission from the copyright holder.** Some of the channels which cannot legally be taped are:

Showtime, HBO, Cinemax, Movie Channel, Disney Channel, ESPN, TNT,  
TBN, Nickelodeon, History Channel, Arts & Entertainment, etc.

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### **Channel 2 (district ITV):**

Programs broadcast by the Instructional Television (ITV) Network for the school district of Volusia County are transmitted into schools and homes through the courtesy of several local cable companies which donate air time for this instructional programming. The programs are aired on channel 2; however there are several areas in Volusia County where reception is not possible. In that case a request should be made to dub the program for school use.

A program may be videotaped for unlimited use until the district license for that video program is discontinued.

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Exceptions to the copyright law have been granted by some producers/copyright holders to give educators permission to record some additional television programs and to keep them longer than the 10/45 rule allows. Details and restrictions about additional cable-access channel TV programs which may be taped for use by teachers are listed in cable company publications such as *Cable in the Classroom* and in professional magazines.

***Cable in the Classroom* information can be found on the Internet at:**  
<http://www.ciconline.org/>

## Internet Resources and Copyright

Copyright law regarding information from the Internet is not in writing at this time. For this reason, educators must review copyright rules, especially the Fair Use Guidelines, which apply to other materials and apply those guidelines to online materials.

Any work downloaded off the Internet is considered to be copyrighted unless otherwise specified. Distributing such material, either over the Net or on a computer disk is considered software piracy and is illegal.

**As long as the work stays within the classroom, and is being used for research purposes, teachers and students are able to make free use of Net resources.** However, extending that use beyond the school doors, whether it's on a Web page or in a published report may place them in violation of copyright laws if they have not obtained permission from the copyright owner.

Contacting online publishers can be a fairly simple matter and ideally should be done whenever you want to use another person's work. Unless there is a clear statement that the work you are copying is free to use or is "public domain," you must assume that it is copyrighted. When contacted, many site owners will be willing to allow students to copy their material.

### **Copyright rules for the classroom:**

- As long as you limit use of the copyrighted work to inside your classroom walls, you are probably operating well within the copyright laws.
- Always give proper credit to any borrowed Internet work. Make sure that your students cite and attribute the work they take from the Internet for reports and essays.
- If you do post a copyrighted work online or take it outside of the classroom, contact the original owner of the copyright for permission. If you took the work from a Web site, e-mail the site's Webmaster for permission.
- Don't use something that is for sale on a site. For example, don't download and re-paste copies of a painting or a piece of software that is for sale online.
- When in doubt, the best rule of thumb is to always ask for permission.
- But, don't let fear of copyright issues prevent you and your students from mining the Web for information.

### **Copyright information websites:**

Library of Congress: <http://www.loc.gov/>

## Challenged Materials Procedure

Procedures are included in the print version and forms are in the appendix.