

Copyright @ School MULTIMEDIA AND THE INTERNET

Do's and Don'ts of Copyright Issues for Educators

The information contained in this document is not a complete summary of copyright laws. It was created by the HCPSS Library Media Advisory Committee and is intended to provide some information for teachers and library media specialists to use when they are faced with copyright questions.

Adapted from *Copyright for Schools A Practical Guide Third Edition* by Carol Simpson

Internet

According to *Copyright for Schools* (Linworth, 2001), "Web-based material is copyrighted just as print and audiovisual materials are, and notification of copyright status is not required. Small portions of Web documents may be used by teachers in class if there is not sufficient time to secure permission, just as with print materials. Large chunks of images, documents, and Web sites should not be taken without prior consent.

Since there is greater latitude or student use of copyrighted materials, they may also use modest portions of Web documents as long as the copies they make belong to them. Teachers may not keep copies of originals of works made by students in which they incorporate materials copied from the Internet. The copies made from the Internet must reside with the student."

Internet Use Guidelines At-a-Glance

Before copying verbatim from an Internet site, you must analyze and evaluate every use in light of the general guidelines. Each of the four tests of fair use must be considered.

- Purpose of the use - nonprofit, educational use
- Character of the use - factual material (common facts, lists, statistics) has more latitude of use than creative property (stories, poems, artwork, web design)
- Amount of material copied (extent) - the more of an item you plan to use the more you need direct permission from the author/owner
- Effect of use on the market for the work - downloading a webpage in its entirety for perpetual use would deprive the author/owner of the ability to keep the material current and any profits generated from repeated viewing online.

A good rule of thumb is to ask permission from the author/owner to use any of the components of a webpage. These requests can easily be made by email, telephone or written correspondence.

The author of an e-mail message owns the content of that message. You as the recipient may not make copies of that message or forward it without the consent of the original author. "Keep private e-mail private unless you have express permission of the original writer. It's good manners; it's good practice." (Simpson, 2001)

When downloading graphics from the Internet, it is necessary to refer to the four tests of fair use.

Examples

A teacher would like to upload his/her students work onto the school server so that others may view the work.

It is recommended that teachers obtain written permission from the student before uploading original work.

A teacher is developing a webpage to support instruction in the classroom. She would like to include links to other webpages on her page.

Including links to other pages is acceptable, however, it is recommended that you obtain permission before publishing.

A teacher locates an interesting webpage to use with her class and would like to share it with the other teachers in her school.

Rather than distributing photocopies of the site, the teacher should provide the URL so that teachers who are interested may access the site.

Multimedia

Working with multimedia is like walking through a copyright minefield. Users encounter many different issues when working with music, video, digital images, animations, etc. When repurposing multimedia property, it is necessary to get permission from the author/owner.

Multimedia Guidelines At-a-Glance

Students and teachers may use copyrighted material in multimedia presentations if quantity limits are observed.

- Motion Media (film, video, television): Up to 10 percent or three minutes, whichever is less, of an individual program.
- Text (prose, poetry, drama): Up to 10 percent or 1000 words, whichever is less, of a novel, story, play, or long poem. Short poems less than 250 words may be used in their entirety.
- Music, lyrics, and music video: Up to 10 percent but not more than 30 seconds from a single work. If a video clip has music in the background and you can't separate the music from the visual material, you will be restricted by the 30 second limitation for music.
- Illustrations, cartoons and photographs: A work may be used in its entirety but only if no more than five images from a single artist or photographer are used in a multimedia work.
- Numerical data sets (computer databases or spreadsheets): Up to 10 percent or 2,500 fields or cells, whichever is less.

An educator may make only two copies (including the original) of the multimedia work. An additional copy may be made if one of the copies is lost, stolen, or damaged. If more than one person creates the multimedia work, each may have one copy of the work.

Recommendation

Invest in clip art, music, and video sold expressly for multimedia productions or create your own. The multimedia collections are always copyright-cleared for such applications.

Examples

A teacher would like to take a student's multimedia project to an inservice workshop outside of the school system to use as an example. Does the teacher need to obtain the student's and parent's permission?

If the student did all of the work on the project and there is no copyrighted material included in the project that the student did not create, 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.

A principal would like to use a popular "top 40-type" song in a PowerPoint presentation. Does the principal need to obtain permission for this?

The principal can use up to 30 seconds of the song without permission. The presentation may be retained for two years from the date of its first use. The first slide of the presentation must contain a statement similar to this: "This presentation contains copyrighted material used under the educational fair use exemption to U.S. Copyright law". The last slide 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.

Copyright Resources for Further Information

Books

Simpson, Carol. *Copyright for Schools A Practical Guide*, 3rd edition. Linworth Publishing, Inc., 2001.

Talab, R.S. *Commonsense Copyright: A Guide for Educators and Librarians*. McFarland & Co., 1999.

Websites

Copyright Sites (20 sites recommended by *Booklist*)

www.ala.org/booklist/v95/rbb/jel/45copyri.html

Software and Information Industry Association
Software Use & the Law

www.siiia.net/piracy/copyright/law.asp

U.S. Copyright Office

www.locweb.loc.gov/copyright

Using Software: A Guide to the Ethical and Legal Use of Software for Members of the Academic Community

www.ifla.org/documents/infopol.copyright/educom.txt

A Visit to Copyright Bay

www.nmjc.cc.nm.us/copyrightbay/