

# BriefNOTES

## Copyright for Students

Brief Notes: Copyright for Students will help students become informed about their rights and responsibilities as users of copyrighted material. It is meant to help students make good choices when using copyrighted material in multimedia projects, research papers, presentations, etc. The information includes questions to ask yourself before copying, specific guidelines for copying, public domain materials, and how to request permission to copy.

It 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.



### Questions and Answers

Technology is a great tool. It makes it 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 Web site, 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.

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

A. Copyright is established as soon as the work is in a "tangible form". You should assume that a work is copyrighted even if the word "copyright" or the © isn't there. Some works are in the public domain; but you have to check to be sure. Copyright lasts for the life of the author plus 70 years.

#### These works are protected by copyright:

- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works

#### Q. What's public domain?

A. Not everything is protected by copyright law. Some works can be copied because the copyright has expired or the works were placed in the public domain. The following are categories of works that can be copied:

- Words and short phrases such as names, titles, and slogans (some titles and words might be protected under trademark law).
- Familiar symbols or designs.

- Mere variations of typographic ornamentation, lettering, coloring.
- Listings of ingredients or contents.
- Ideas, plans, methods, systems, or devices.
- Blank forms, account books, bank checks, diaries, graph paper, order forms, report forms, scorecards, timecards.
- Works consisting of common property-type information (standard calendars, measures, etc.).

**Q. Are facts copyrighted?**

A. No. Factual information is in the public domain so a student can use facts, whether correct or incorrect, that are published in a copyrighted work without asking permission. Copyright permission extends only to an author’s expression of facts and 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, including whether such use is for commercial or non-profit educational purposes.
  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, 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 these exclusive rights:
1. Reproduce the work
  2. Prepare a derivative work
  3. Distribute the work
  4. Perform the work publicly
  5. Display the work publicly



**Before you copy, ask yourself ...**

- Is the work copyrighted?
- Is the work in the public domain?  
Am I sure?
- How much of the work will I copy?
- Does the copying fall under fair use?
- What is the purpose of the copying?
- Is the copying I want to do allowed by the copyright law and guidelines?
- Is the copying I want to do prohibited by the copyright law and guidelines?
- Is the copy I want to copy from a legal copy?

**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.

Students do not need to write for permission if the presentation falls within the multimedia fair use guidelines (see below).

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.

**Guidelines for the amount you can copy for a multimedia project**

**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

## Internet

Internet resources often combine both copyrighted and public domain sites; therefore care should be used in downloading any sites. Fair use guidelines should be used to decide how much material to use.

### Numerical data sets

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

### Bibliographic Citations

- 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 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 school library media specialist for the works cited format used in your district.

## Software

Be sure to read the software license for restrictions. Also, follow the guidelines for commercial, shareware, or freeware software.

Generally, the copyright law and guidelines allow you to:

- Make one backup copy of a software program that you own.
- Use the back-up copy only if the original fails.
- 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 are not allowed to:

- Make multiple back-up copies.
- Make one copy for home and one copy for school use.
- Make a copy for a friend (unless it's public domain).



## Books and periodicals

### Single copies

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.

## Video

For a multimedia project, you can copy up to 10% or 3 minutes, whichever is less. You can make alterations if it supports an instructional objective (note that a change was made).

Copying an entire copyrighted video is a violation (even if it is for personal use). The reason is that it's copying to avoid purchase.

You can't copy 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 Web sites are highly creative in design and content and are generally protected by copyright. Generally, source, HTML, and frames codes are 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 Web site.
- Many U.S. government sites give permission to use the information freely.
- When in doubt, assume the Web site 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 Web sites

- Don't copy logos or trademarks and make them a hyperlink on a Web site; 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 frames codes—they are creative works and are probably copyrighted.
- Before launching a Web site, make sure you have the proper rights for the graphics, designs, logos, and photos you use.
- Consider asking for permission to add a URL to a Web site 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 Web site (deep links bypass the site's home page).

## How to request permission to copy

You can request permission to copy by phone, e-mail, or letter. It's a good idea to have written proof of the permission. 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 giving amount and 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 online templates for requesting permission to use a Web site are available:

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

<http://www.bham.wednet.edu/copyperm.htm>  
These sites were included with permission.



Schools and non-profit organizations may copy and make use of *Brief Notes: Copyright for Students* within their own school or organization. A notice of copyright and the Heartland AEA information must be on each copy made.



The mission of Heartland AEA is to improve education by supporting all learners through client-focused services, partnerships, and leadership.

<http://www.aea11.k12.ia.us>

## How to avoid plagiarism

Plagiarism is an important concept to include in a copyright booklet. The concepts are similar because both are instances of copying without the appropriate permission. Plagiarism can occur with a work that may not even be copyrighted (public domain, for example).

The key to avoiding plagiarism is to give credit to the information source. Here are some suggestions to avoid plagiarism:

- Use quotation marks around another person's actual spoken or written words.
- Paraphrase or summarize another person's spoken or written words (use your own words).
- Give credit to another person's idea, opinion, or theory (bibliographic citations).
- Give credit for information that is not common knowledge (facts, statistics, graphs, drawings, etc.).
- Indicate the specific information that is taken word-for-word from a source when taking notes. Highlight, underline, use quotation marks, etc. in your notes to mark quoted information.

## Research databases on the Internet

Heartland AEA provides teachers and students access to several research databases on the Internet. The licenses have specific guidelines as to what you can copy.



### AP Multimedia Archive

<http://ap.accuweather.com/>  
(password protected)

- 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

<http://members.arttoday.com> (password protected)  
<http://school.arttoday.com> (IP authenticated)

- 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 Web site with the intention to re-distribute the information.