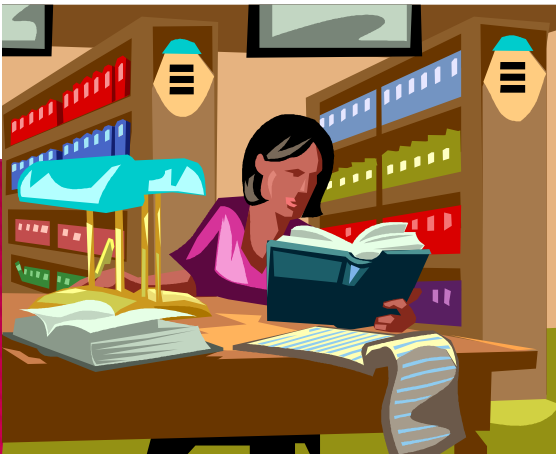




“My Rights and Responsibilities”

Copyright Laws




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Librarian
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As we move into a new phase of technology next semester, it is important to review responsible use of materials we use in our classrooms.

Mastery Objective:

Participants will demonstrate an understanding of their copyright responsibilities by explaining the correct use of copyright protected materials in the classroom.



FAIR USE

The Fair Use Provision of the Copyright Act of 1976 is found in Section 107 United States Code 17, and is intended to balance the interests of copyright owners with the needs of others who need access to copyrighted material.

“Fair Use” is the key to whether or not copying a work is legal.

1. Purpose and character of the use
2. Nature of the copyrighted work
3. Amount and substantiality of the portion to be used in relation to the copyrighted work as a whole.
4. Effect of use on the potential market

1. Purpose and Character of the Use

Is the use for nonprofit, educational, or commercial use?

Just because the use is educational does not mean it is fair.

2. Nature of the Copyrighted Work

What is the intent of the work? If the work to be used is factual in nature, as opposed to works involving more creative expression it will tend to fall under fair use.

If it was created by you, for your class, then another person copying for their class without permission is a copyright violation.

3. What is the amount and significance of the portion copied?

The law does not specify a 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.

4. Effect of the use on the Potential Market

If the copying of the copyrighted material reduces the potential market and therefore the potential sales and profit, that use is unlikely to be found a fair use.

For example, if you copy a workbook page or a chapter from a textbook you are depriving the copyright holder of profits.

Just because you are not gaining financially from the material does not mean you can use it.

Copyright and Electronic Publishing

The same copyright protections exist for the copyright holder of a work regardless of whether the work is in print, in a library research database, a blog, an online discussion board or comment space, or any social media formats.

If you make a copy from an online source for your personal use, it is more likely to be seen as fair use. However, if you make a copy and put it online, it is less likely to be considered fair use.

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Copyright and Electronic Publishing

Note that the Internet IS NOT the public domain.

There are both copyrighted and uncopyrighted materials online.

Always assume a work online is copyrighted.

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Maryland University College.

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Tips for Using Online Information

Always credit the source of your information. If you do not see an individual named as the author, do not forget that the author may in fact be the organization responsible for the Web site. Credit the organization.

Find out if the author of a work (e.g., text, video, audio, graphic, etc.) provides information on how to use his or her work. If the author provides explicit guidelines, follow them.

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Tips for Using Online Information

Whenever feasible, ask the copyright holder for permission. If no copyright holder is specifically named, do not assume that the material is in the public domain.

Keep a copy of your request for permission and the permission received

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What do educators need to do if they want to use copyrighted materials and “fair use” does not apply?

Educators must secure prior written permission.



Sample Letter to the Copyright Owner Requesting Permission to Copy

Date

Material Permissions Department
Hypothetical Book Company
400 Any Street
City, State Zip Code

Dear Sir/Madam:

I would like permission to copy the following for continued use in my classes in future semesters.

Title:	<i>Learning in College</i> , Second Edition
Copyright:	<i>Hypothetical Book Company</i> , 1970, 1972
Author:	John Doe
Material to be duplicated:	Chapters 5, 6, and 15 (photocopy enclosed)
Number of Copies:	500
Distribution:	The material will be distributed to students in my classes and they will pay only the cost of the photocopying
Type of Reprint:	Photocopy
Use:	The chapters are to be used as supplementary teaching materials.

I have enclosed a self-addressed stamped envelope for your convenience in replying to this request.

Sincerely,

Faculty Member

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Students are under the same law.

*We must educate our students on
“Fair Use”
and their responsibilities while using
resources.*

FAIR USE: IT'S THE LAW



**EXERCISE YOUR COPYRIGHT
RIGHTS IN THE CLASSROOM**

If You Don't Own the Copyright– Ask Yourself:

- ☐ Is the work in the public domain?
- ☐ Does "fair use" apply here?
- ☐ Do I have the owner's permission to use it?

If you can say “no” to all of these but go ahead and use the material anyway, you are violating the copyright laws.

Simply citing the source information DOES NOT protect users from copyright infringement.




Scenario #1

A teacher is interested in linking to an article from a magazine to Edmodo for his students to read.

Fair use?

Yes. “Linking” anything for your students is considered fair. You are simply directing your students to the source.




Scenario #2

A teacher has identified a chapter from a book that she wants to digitize and post on her Google Drive.

Fair use?

No. Posting a chapter would require permission from the creator.




Scenario #3

The teacher wants to use a clip of a TV show to get the students “hooked” before presenting the content.

Fair use?

Yes. A portion copyrighted motion media work may be reproduced or otherwise incorporated as part of an educational project.



Scenario #4

A teacher would like to use a piece of clip art as part of their power point presentation?

Fair use?

Yes. Clip art within purchased software or “free” online may be used. Using photo images will require permission.



Ticket Out

3. Name three things I need permission to copy.
2. Name two things I can copy freely.
1. Name one thing I need to share with my students about copyright law.

