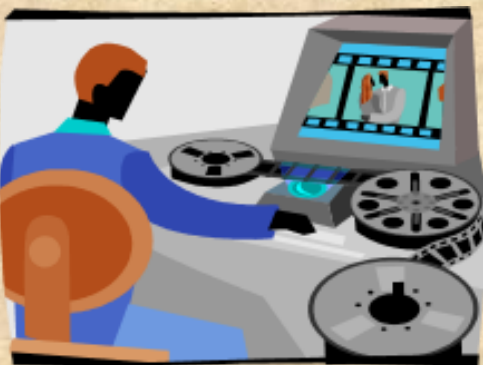


Copyright



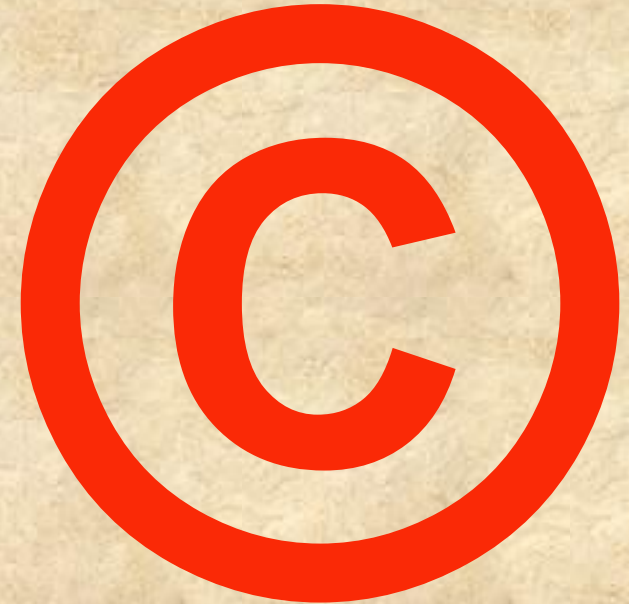
Created February 2009

What is Copyright and Why do we have it?

“Copyright is a form of protection provided by the laws of the United States (title 17, *U. S. Code*) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.”

Copyright Basics, US Copyright Office

Copyright protects the rights of the creator and encourages the sharing of works. Without the ability to make a profit or control some of what happens to their creation, many would be unable or hesitate to share what they make with others.



Rights of Copyright Holder

- ✓ Reproduction
- ✓ Adaptation
- ✓ Distribution
 - Limitation on right of distribution: First sale doctrine
- ✓ Public performance
- ✓ Public display
- ✓ Digital transmission of sound recordings



“I found it on the Internet so it is OK to use it however I want.”

No Way

- Almost everything on the Internet is copyrighted.
- Whenever something is created and saved by someone, it is copyrighted.



“I just burned a whole bunch of CD’s of my favorite songs so I can give all of my friends a copy.”

The music industry and musicians rely on profits from sales to be able to create more music. Without profits, new talent cannot be found and developed. Established artists cannot create new material without profits.

- While there is an exception for personal copying of music you own, making multiple copies of music is illegal.
- It is illegal to give away the copy or lend it to others for copying.



Fair Use

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors."



The Law and Downloading Music

- E-mailing or sending an MP3 file by instant messaging is illegal.
- The parents of underage children can be sued and held liable for their children's illegal downloads – even if they were unaware the child was doing so.
- Possible punishments
 - 3 years in prison and \$250,000 fines
 - Repeat Offenders – imprisoned up to 6 years
 - Civil liable for actual damages or lost profits or up to \$150,000 per infringed copyright. (Which means it could cost \$150,000/song).
 - Individual users **CAN** be sued as well as larger P2P networks.



“I can put anything I want into my Power Point because it is a school assignment.”

- Video
 - Up to 10% or 3 minutes, whichever is less of an individual program
- Text
 - Up to 10% or 1000 words, whichever is less
 - Poems of 250 words or less may be used in their entirety
- Music, Lyrics, and Music Video
 - Up to 10%, but not more than 30 seconds from a single work



“I can put anything I want into my Power Point because it is a school assignment.”



- Illustrations and Photos
 - Up to 5 images from a single artist or photographer
 - If images are taken from a published collective work, up to 10% or 15 images may be used
- Computer Databases or Spreadsheets
 - Up to 10% or 2500 fields or cells, whichever is less

More information can be found at
<http://www.adec.edu/admin/papers/fair10-17.html>

“I didn’t copy it word for word so I don’t have to tell where I got it”

- ❖ If you use an **author’s ideas** you **must** give the author credit.
- ❖ It is **plagiarism** if you do not credit the author.
- ❖ Plagiarism is the use of another person’s intellectual work without giving them credit.
- ❖ The use of cited material may have been allowed under Fair Use and thus not a copyright violation, the act of plagiarism (not citing the source) can void Fair Use and make it a copyright violation.



“I found it, so I can copy it.”

Here is what you can use fairly

1. a poem with less than 250 words
2. up to 250 words of a poem that is greater than 2500 words
3. articles, stories, or essays less than 2500 words
4. part of a longer work: 10% of the work or 1000 words
5. one chart, picture, diagram, graph, cartoon or picture per book, encyclopedia, newspaper, or magazine
6. two pages from a picture book with less than 2500 words



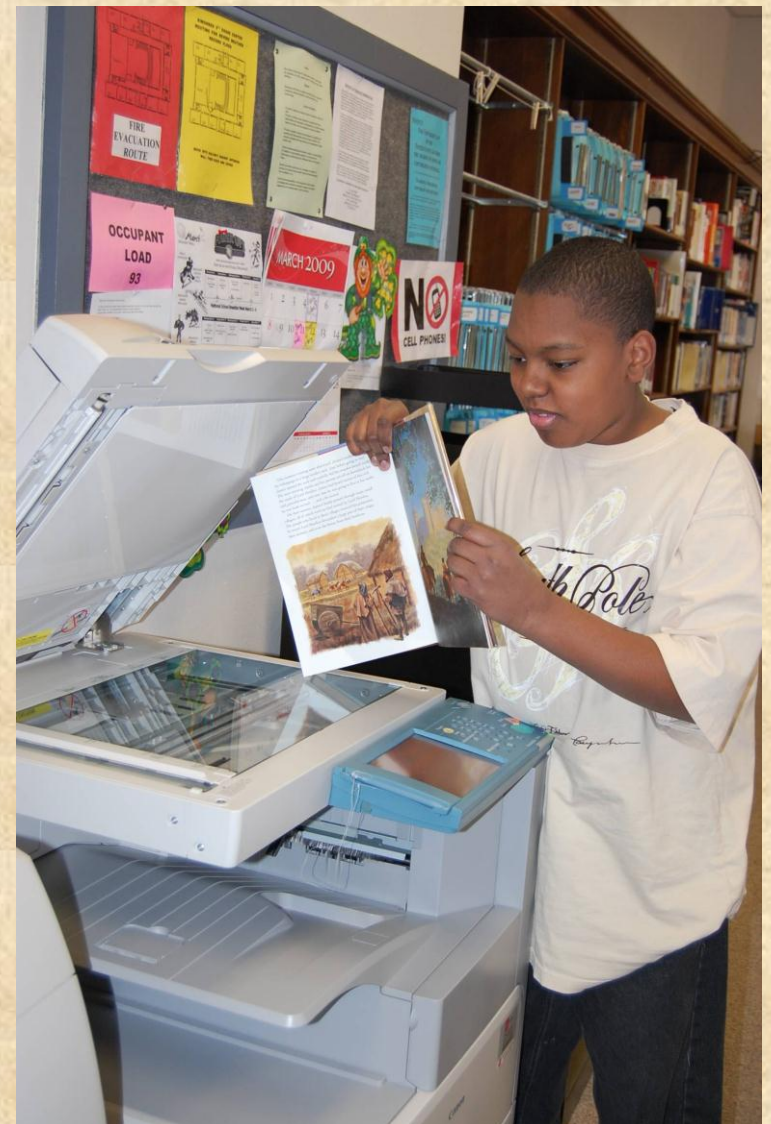
If you took information from a source,
you **MUST** list it in the **bibliography**.

Taken from Kathy Shrock's "Copyright and fair use guidelines for school projects"

“I am going to copy all 5 of these pictures from this book for my assignment.”

WAIT!

- Only one picture may be copied from a picture book for use in an assignment.
- In making a multimedia presentation no more than five images can be copied from a single artist or photographer.
- Only 15 images or up to 10% whichever is less, may be used from a published collective work.



“My friend just got a cool new game. I’m going to borrow it so I can load it onto my computer too!”

- Software such as games come with a **software license agreement**, you have to check it out.
- There are 2 laws that protect software. Copyright law and the License agreement.
- You should keep all your agreements in a safe place after you open your game.
- If the game is Public Domain software, you can copy it all you want!



“My friend just got a cool new game. I’m going to borrow it so I can load it onto my computer too!” Continued



- If the game is Shareware you can try it for free, but then you have to pay to keep using it.
- If your friend purchased the game and kept the game, they have agreed to follow the license agreement and you **CAN NOT** load it on your computer.
- Copying a game illegally makes you a pirate!
- While there is no such thing as the Software Police, the FBI can and does prosecute software piracy as a felony offense.

“I’m going to download this movie onto my computer so I don’t have to buy or rent it.”

You are pirating, which is ***stealing***, if you download a movie without purchasing the movie first. Check out the link below if you don't believe me!

http://www.mpaa.org/piracy_whoAre.asp



Links to Information

- <http://www.copyrightkids.org/linksframes.htm>
- <http://www.copyrightkids.org/>
- <http://creativecommons.org/>
- http://www.carolsimpson.com/copyright/copyright_action_data_results.htm
- <http://www.adec.edu/admin/papers/fair10-17.html>
- <http://www.flickr.com/creativecommons>

Check your understanding of
copyright regulations. Take
the quiz by clicking on this
link.

<http://www.copyrightkids.org/quizframes.htm>

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