

COPYRIGHT

Fair Use

Fair Use is tricky and requires professional judgment. Please take a look at this chart, which can be helpful in your decision making. Fair Use applies to all copyrighted resources, regardless of format. The below chart should be applied to all copyrighted works including digital materials, multimedia materials, and print

	Key Concepts	Generally, These Uses Fall Under Fair Use	Generally, These Uses Do Not Fall Under Fair Use
Reason Of Use	You shouldn't deprive the owner of earnings, and you shouldn't make money or take credit from what you create using someone else's materials	<ul style="list-style-type: none"> • Teaching • Researching • Commenting • Applying criticism • Engaging in news reporting • Creating a parody 	<ul style="list-style-type: none"> • Providing entertainment • Profiting financially • Denying credit to the original author
Nature of the Work	Is it fact or fiction? Is it published or unpublished?	<ul style="list-style-type: none"> • Copyrighted work is nonfiction • Copyrighted work has not been published • Copyrighted work is relevant to the stated educational purpose 	<ul style="list-style-type: none"> • Copyrighted work is fiction • Copyrighted work is published • Copyrighted work is not clearly relevant to the stated educational purpose
Amount to be Used	Brevity - you should not take the entire work - the use should be minimal and temporary	<ul style="list-style-type: none"> • Using smallest quantity possible • Avoiding use of the "heart of the work," or crux of the work • Using only that which is needed for the stated educational purpose 	<ul style="list-style-type: none"> • Using a large portion, or the entire work • Using a portion that is the "heart of the work," or the crux of the work
Marketability of the Work	Royalties - you should not use materials in a way that potentially lessens the original creator's royalty check or violates licensing agreements	<ul style="list-style-type: none"> • Use has no significant effect on the market or potential market for the copyrighted work • Diligent research shows a license is not available 	<ul style="list-style-type: none"> • Using copyrighted work in a way that could replace the sale of the work--includes creating copies • Making numerous copies • Making the copyrighted material accessible on the Web or another public forum • Planning for repeated or long-term use

Copyright FAQs

This document is designed to address questions regarding the legal use of digital materials in the classroom, and to provide approaches and options for working within the confines of the law. Therefore, the Q & A features a PS section (PS stands for possible solution).

Using Materials Taken from Library Databases

Critical Issue: The licensing agreements for paid databases trump Fair Use specifications. The below applies to all resources accessed via library database pages.

Q: Is it okay for a teacher to take materials from library databases to build online course packets?

A: No. Materials (including all multimedia and text) should not be taken in any amount from a database to build online courses. Students should access materials directly from the database for course use. Teachers should not compile materials in a Learning Management System (LMS) such as Schoology, for student access. PS: You can create and post links to your LMS. Most databases offer the ability to create links for your course directly within the database's interface. Check with your librarian for help with this.

Q. Is it OK for me to email a full database article to my students?

A. Yes.

Q: Is it okay for students to save materials, electronically or in paper form, from library databases into personal folders?

A: Yes. Students can print paper copies for folders, or save electronic materials into personal electronic notebooks (such as Notability, Evernote, etc).

Q: Is it okay for students to create and save portfolios of their work which includes materials taken from library databases?

A: Yes

Identifying Materials In The Public Domain

Q: Where can I find material that I can use for my classes that falls within the Fair Use Guidelines? Use this resource page from Columbia University for some ideas, and see specific sites below, taken from Rebecca Butler's book:

A: creativecommons.org *Creative Commons is a non-profit organization that has developed a number of standardized copyright licenses which have been written in such a way as to allow the owners of a work to determine how others may use that work. In other words, a Creative Commons license allows public use of any work that has been assigned to it.*

A: opensource.org *Open-source Software Licenses--Software under this license is free to be used, modified, and shared in any number of ways.*

A oercommons.org *Open Educational Resources--are freely accessible, openly licensed documents and media that are licensed under Creative Commons.*

A. merlot.org *Merlot is a free and open peer-reviewed collection of online teaching and learning materials and faculty-developed services contributed and used by an international education community.*

A. classiccat.net **Classic Cat; pdinfo.com/Public-Domain-Music-List.php PD Info; and musopen.org Musopen are all examples of public domain music available for download.**

If using material from any of these sites, please remember to cite your source. Using Materials Taken from Websites

Using Materials Taken from Websites

Critical Issue: Under copyright law, anything on the Internet, not clearly marked as in the public domain, is assumed to be copyrighted by the author of the material. Often materials in the public domain are registered with creativecommons.org and assigned a Creative Commons symbol. Look for this symbol:  http://creativecommons.org/choose/results-on_license_code=by&jurisdiction=&version=4.0&lang=en

Q. Is the internet in the public domain?

A. No. If the content of any webpage is in the public domain, it should say so somewhere on the site. If there is not a statement either way, you should assume the webpage is copyrighted.

Q. Can I copy an image from another website into Schoology or my LMS?

A. If the image has a copyright symbol by it, you must contact the copyright owner for permission. If the image has no copyright symbol, you may not use the image as you cannot assume that the work is in the public domain.

Q. Can I copy a list of links or other material from another website and add it to my own?

A. Yes, however It is good netiquette to ask for permission.

Q. May I place a chart/graphic from an online periodical on my Schoology page, website, or LMS?

A. No. Unless the periodical has a statement indicating that this is permissible or in the public domain, you may not attach the chart/graphic to your Schoology page, LMS, or website.

WN. Add a link to the chart/graphic to your Schoology page, LMS, website.

Q. Can I have my students print off the words to popular songs from an internet site?

A. Yes, but you must not archive them.

Using Materials taken from textbooks, digital books, print books, etc

Q. If my educational site is access code-protected, can I put educational materials such as book chapters, lists of links, magazine articles, or scanned books into it?

A. No. Any or all of the material listed above may be copyrighted. It makes no difference if there is a code to access the material or not. Permission must be granted before the items may be used.

Q. Can I make pdfs of parts of a textbook and place it in Schoology or my LMS?

A. Not unless you have permission to reproduce parts of the text.

WN. Place the book on reserve in the library.

Q.If I legally obtain permission to use an article from a magazine, may I digitize it and place it in a Schoology unit?

A. Digitizing a print article is creating a derivative work. This is not permitted without obtaining permission to do so.

Q. Can I take some ACT questions from old tests and put them n a Schoology or LMS a unit?

A. No, these questions are all owned by ACT, and they have prohibited such use.

Q. If I buy several copies of a workbook, ACT practice test, or the like, can I share a digital image or photocopy of pages with my students each year?

A. Not unless the workbooks specifically state this use is okay. Most such workbooks are categorized as “consumables” and are sold for a one time use. It doesn’t matter whether or not you originally purchased enough copies to use as a class set.

Q. Can I retype single problems from review books and make them available on Schoology?

A. No. Unless it is clearly stated that such use is allowed, you may not share copyrighted materials in this manner.

Q. Can I rework problems or recreate images from my teaching guides and make them available on Schoology?

A. Unless it is clearly stated that such use is allowed, you may not. This is considered creating a derivative work, and is not allowed.

Using video and media materials

Q. Can I have the tech department transfer a deteriorating video to DVD format?

A. Sometimes; but if another format is available, you must purchase it.

Q. Can I take a bunch of movie clips and string them together onto a DVD or videotape?

A. No. As a teacher, you are changing original works and this is a copyright infringement. You may show clips individually.

Q. Can I show educational YouTube videos to my students as a part of a class lesson?

A. Yes, as long as the use is for an educational purpose.

Q. Can I tape a television show for curricular use?

A. Yes, if you adhere to the following guidelines:

1. During the first 10 days, the tape may be viewed by the class once for instruction and once for reinforcement
2. The program may only be retained for 45 days. After that time, the tape must be erased.
3. This is a one-time only situation. Teachers may not ask for the same program to be taped more than once.
4. Taped programs may only be used for educational purposes only.

Q. Can my students legally use popular music that will be embedded in an iMovie class project?

A. If the assignment is to learn the software, students may legally do what is proposed as long as the presentation stays within the classroom. The only other way students legally may embed copyrighted popular music within a project is for the creation of a portfolio.

Q. Can I use clip art to illustrate my assignments?

A. Yes, this falls within Fair Use.

Questions regarding getting permissions and giving credit

Q. If I give credit to everyone from whom I borrow material for my Schoology or LMS unit, will I need to purchase licenses or obtain permission for using this material?

A. Yes. By giving credit, you are merely avoiding plagiarism. You still might be infringing upon someone's copyright ownership.

Q. If I write for permission to use a portion of copyrighted material for instruction and I receive no reply, can I use the material if I cite the work?

A. No, it is not permission by default.

Copyright Free Resource Guide

In addition to the below resource guide, please refer to this excellent resource from Columbia University, which links to several useful public domain sites:

<http://copyright.columbia.edu/copyright/copyright-in-general/public-domain-resources/>

creativecommons.org

Creative Commons is a non-profit organization that has developed a number of standardized copyright licenses which have been written in such a way as to allow the owners of a work to determine how others may use that work. In other words, a Creative Commons license allows public use of any work that has been assigned to it.

opensource.org

Open-source Software Licenses--Software under this license is free to be used, modified, and shared in any number of ways.

oercommons.org

Open Educational Resources--are freely accessible, openly licensed documents and media that are licensed under Creative Commons.

merlot.org

Merlot is a free and open peer-reviewed collection of online teaching and learning materials and faculty-developed services contributed and used by an international education community.

classiccat.net

Classic Cat; pdinfo.com/Public-Domain-Music-List.php PD Info; and musopen.org Musopen are all examples of public domain music available for download.

If using material from any of these sites, please remember to cite your source.

Works Cited

Butler, Rebecca P. Copyright for Academic Librarians and Professionals. American Library Association: Chicago, IL. c2014. Print.

Columbia University Center for Digital Research and Scholarship. Copyright Advisory Office. N.p., n.d. 25 Sept. 2014. Web.

Creative Commons homepage. Creative Commons. 25 Sept. 2014. Web.