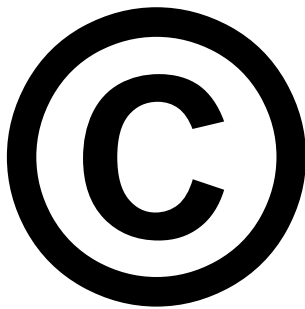


Copyrights & Copywrongs for K-12 Schools



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Background on Copyright

- Property right to creative work
- Long, complex legislative & judicial history
- Covers tangible creative works
 - books, art, sheet music, recordings, movies, etc.
- Set by US Constitution, US Code Title 17, copious court cases, & international treaties



Rights & Authors

□ Rights (§106)

- Reproduce
- Derivative works
 - Movies, plays, etc.
- Distribute
- Perform publicly
- Display publicly
- Transmit digitally

□ Authors (§201)

- Creator
- Joint-Authors
- Employer

□ Complications

- Who really owns the rights to materials?
- What constitutes violation?



Limitations & Additional Sections

- §107 Fair Use
- §108 Libraries and Archives
- §109 First Sale Doctrine
- §110(1) Face to Face Teaching
- §110(2) Distance Education Teaching
- §121 Reproductions for disabled persons

- §113 Pictorial, Graphical, Sculptural
- §117 Computer Programs
- §120 Architectural Works
- §111, §112, §118, §119, §122 Secondary Transmissions
- §114, §115, §116 Non-Dramatic Sound Recordings



Fair Use Four Factor Test

- The purpose and character of the use
- The nature of the copyrighted work
- The amount and substantiality taken
- The effect on potential market or value of the copyrighted work

Consult a Fair Use checklist for help deciding. Example:

<http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/copyright/FairUseChecklist.pdf>



Fair Use Classroom Guidelines

- Three More Tests
 - Brevity test
 - 10% or 1,000 word excerpt; 2,500 entire piece
 - Two pages from a picture book; 250 word poems
 - Spontaneity test
 - Cumulative effect test
- Teacher must initiate use & request copying
- Cite sources
- Licenses and DRM supersede Fair Use



Copyright Infringement

- If charged, various defenses are possible.
- Types: direct, contributory, vicarious
- If found guilty, there are various remedies.
 - Injunction
 - Seizure & Destruction
 - Monetary Damages: your profits or their losses
 - Statutory Damages
 - \$500-\$20,000 unintentional
 - \$20,000-\$250,000 intentional



When in doubt ...

- Investigate the issue
 - Consult school & district policy manuals
 - Check resources on copyright
 - Consult school's/district's attorneys
- Seek permission from copyright holder
- Use alternative delivery method or item
- Refer to copyrighted materials; don't copy
- If told to copy: document your concern



Recommended Resources

- C. Simpson, *Copyright for Schools*, 2010
- T. Lipinski, *The complete copyright liability handbook for librarians and educators*, 2006
- K. Crews, *Copyright Law of Librarians and Educators*, 2005
- US Copyright Office: <http://www.copyright.gov/>
 - *Circular 21*: <http://www.copyright.gov/circs/circ21.pdf>
- Am. Lib. Assoc.: <http://www.ala.org/advocacy/copyright>
- CONTU, CONFU, Kastenmeier report



Your Questions & Discussion Topics

- Student works; Teacher works
- Copying workbooks/consumables
- Notice for copiers, scanners, etc.
- Classroom handouts
- Book covers for web pages
- Duration of copyright
- Computer software
- Extracurricular activities
- Public domain
- Preservation / replacement
- Interlibrary Loan, Intralibrary Loan
- Course reserves
- Distance education
- Presentations at workshops
- Social media (Facebook, etc.)
- Email & internet chats
- Art, murals, comics, decorations
- Media public performance rights
- Mash-ups & compilations
- ESL, Blind, Deaf needs
- Recording of book reading
- Converting media formats
- Sheet music & performances
- Saving internet videos
- Parent videos of events
- New lyrics to songs & parodies

Thank You

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<http://libguides.ecu.edu/copyright>