

Copyright Facts

Copyright definition: *A form of protection provided by the laws of the United States for “original works of authorship”, including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations. “Copyright” literally means the right to copy but has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work. (U.S. Copyright Office <http://www.copyright.gov/help/faq/definitions.html>)*

Many educators are under the false belief that they are free to use any resource in any way as long as it is for educational purposes and recognized. While certain parts of this belief may be true, this is a belief that is, for the most part, ignorant of the law.

Everyone, students included, deserve to be recognized and/or compensated for their original work. Educators need to strive to provide recognition for their students and provide a support of the copyright system in all classroom content and activities.

To be certain that you are following copyright laws, adhere to this guideline: “If you aren’t the one who created it, you’re probably breaking copyright law.”

Here are facts about copyright law that educators need to know:

- Once creative content has been completed, it is copyright protected.
- If in doubt, ask for permission to use someone else’s content.
- Just because content is being used “for educational purposes,” this doesn’t mean it is free to use. Content creators may be earning revenue from the content you want to use.
- When any written content is used in printed form, the creator must be recognized.
- Simply including quotations on someone else’s content doesn’t mean you aren’t breaking copyright law. You can only use a limited quantity of someone else’s work. The only thing that quotations *may* protect you from is plagiarism; not copyright violation.
- Virtually all of the information on the Internet (sites, Google/Yahoo/etc. images, photos, etc.) are copyright protected.
- All software is copyright protected (even freeware) unless the owner expressly relinquishes rights to the software.
- Assume that information gathered from any website may be violating copyright laws.
- No set number of words, lines or notes can be taken without getting the copyright holder's permission (U.S. Copyright Office).
- Copyright laws vary from country-to-country. It is possible to be charged with a copyright violation from another country.
- Just because you purchase a disc that contains clipart, photos, etc., never assume that the content can be distributed via electronic means.

There are some creative works that are in the **Public Domain**. This means that they *may* be free for you to use without needing to obtain permission (*Linda Starr, http://www.educationworld.com/a_curr/curr280a.shtml*).

- Works published before January 1, 1923.
- Works published between 1923 and 1978 that did not contain a valid copyright notice.
- Works published between 1923 and 1978 for which the copyright was not renewed.
- Works authored by employees of the federal government.
- Works that the copyright owner has freely granted to the public domain.
- The earliest that works copyrighted after 1978 *may* become a part of the public domain is in 2048.

Multimedia

You can use multimedia projects in your educational environment without violating copyright law (fair use)...

- ... when you are directly instructing students (face-to-face).
- ... when you are remotely broadcasting real-time instruction or study sessions.
- ... when you are using the resource for personal job interviews or job evaluations.
- ... when you present at a conference or sessions with career-similar individuals (but you should recognize the creators).
- ... when you are meeting requirements for a course.
- ... when you are creating a portfolio.
- ... “when you are teaching courses for a period of up to two years after the first instructional use. After two years, you must obtain permission for each copyrighted portion of the project” (Linda Starr, http://www.educationworld.com/a_curr/curr280a.shtml).

There are certain guidelines you must follow when using multimedia projects that contain copyrighted material (*information based on educationworld.com content*).

- The creator must be recognized as well as the publisher, title, date of copyright, and who the owner of the copyright is.
- You need to “announce” that the multimedia project is included under the fair use clause of copyright law. It is best to do this at the opening of the project.
- Only two copies of a project may be created; one for the creator and one for the school’s media center (or other repository for similar projects).

Who is liable for copyright infringement?

“School districts are liable for any copyright violations committed by their staff, and the area with the greatest potential for liability is the district’s public Web site” (Nancy Willard).

Schools need to...

- ... establish a process to closely monitor all materials and district website content.
- ... take prompt action if the district is accused of copyright violation.
- ... provide professional development materials/opportunities to educate staff about copyrights.

Penalties for copyright infringement

“Statutory penalties are found at 18 U.S.C. § 2319. A defendant, convicted for the first time of violating 17 U.S.C. § 506(a) by the unauthorized reproduction or distribution, during any 180-day period, of at least 10 copies or phonorecords, or 1 or more copyrighted works, with a retail value of more than \$2,500 can be imprisoned for up to 5 years and fined up to \$250,000, or both. 18 U.S.C. §§ 2319(b), 3571(b)(3)” (*from Offices of the United State Attorneys*)

“Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense” (*from <https://www2.kent.edu/is/security/peertopeer/federal-copyright-law.cfm>*).