

## COPYRIGHTED MATERIALS GUIDELINES

### Staff Use of Copyrighted Materials

Board policy D500 requires all staff to operate in full compliance with the laws related to the duplication, retention, and use of copyrighted materials. The following guidelines are provided to help staff understand how to avoid copyright infringement. Questions about copyright that are not answered by these general guidelines should be directed to the Chief Technology Officer.

#### *What is copyright?*

Copyright refers to the author's (creators of all sorts such as writers, photographers, artists, film producers, composers, and programmers) exclusive right to reproduce, prepare derivative works, distribute copies, and publicly perform and display their works.

The absence of a copyright notice does not mean that there is no copyright. Copyright protection exists automatically from the moment of creation in a tangible fixed form.

In general, copyrights last for the life of the author, plus seventy (70) years. Works that the copyright has expired on and any federal government works are in the public domain and may be copied and used without restriction. Additionally, there are numerous resources available online under “Creative Commons” licenses that allow free use of the work as long as it is attributed to the original author (some additional requirements may apply see <https://creativecommons.org/licenses/>).

*Is there any way that I can use copyrighted material for instruction without getting permission from the copyright owner or violating the copyright?*

Yes. The doctrine of *fair use* allows copyrighted materials to be reproduced without authorization for teaching, criticism, comment, news reporting, scholarship, or research if these four factors indicate that the use is “fair”:

- *The purpose and character of the use*
  - o Non-profit or educational use is more fair, commercial use is less so. Transformative use that uses the portion copied to create a new and different creative work also weighs in favor of fair use.
- *The nature of the copyrighted work*
  - o Highly creative works such as a song or a novel are more protected, while it is more fair to use portions from informative or non-fiction works such as an encyclopedia
- *The amount and substantiality of the portion used in relation to the copyrighted work as a whole*

- Copying the entire work (as you might with an image) weighs against fair use, while copying just part (as you might with a long novel) weighs in favor of fair use.
- *The effect of the use upon the potential market for or value of the copyrighted work*
  - Copying that would harm the market for the original (downloading a song) weighs against fair use, while copying that would not effect the market for the original (quote from a textbook used on a slide) weighs in favor of fair use.

No factor by itself will determine whether a particular use is "fair." All four factors must be weighed together in light of the circumstances. For more information, see: <http://www.teachingcopyright.org/handout/fair-use-faq>; or <http://copyright.gov/circs/circ21.pdf>.

*Some examples of what is and is not fair use<sup>1</sup>*

<b>Printed Materials</b>	<b>Use</b>	<b>Fair Use?</b>
A complete poem if less than 250 words or an excerpt of not more than 250 words from a longer poem.	Multiple copies made from one legally obtained original and one copy given to each student in a class where: (1) using the poem is the individual teacher's idea, (2) the use is only in one classroom, and (3) it would be difficult to obtain permission from the author in time. The author is identified and a copyright notice included on the copies.	Yes.
One chart, picture, diagram, graph, cartoon or picture per book or per periodical issue	Same as above.	Yes.
Excerpt from a longer work (10% of work or 1,000 words, whichever is less)	Same as above.	Yes.
A single copy of a chapter of a book or an article from a periodical.	Used for your own study or research.	Yes.
A song written on sheet music.	Copied and given to students without permission from the author.	No.
An entire copyrighted story.	Narrated into an audiotape or other medium.	No.
<b>Video</b>	<b>Use</b>	<b>Fair Use?</b>
Legally rented or purchased DVDs or	Part or all of the video is shown in the classroom for an instructional purpose (and	Yes.

<sup>1</sup> These examples (adopted from 1997 Conference on Fair Use Guidelines) are only intended as examples of situations that are likely fair use. A final determination of fair use depends on the particular facts and can only be made by a court. These guidelines are not intended as legal advice.

videos.	not merely as entertainment or an award).	
A YouTube video.	Played to entire class.	Yes. If it is not clearly posted by someone other than the author in violation of copyright.
A YouTube video.	Downloaded and added to a mashup or new video without the author's permission.	No.
<b>Multimedia Projects</b>	<b>What You Can Do</b>	<b>The Fine Print</b>
DVDs or web videos for use in a multimedia project.	Students "may use portions of lawfully acquired copyrighted works in their academic multimedia", defined as 10% or three minutes (whichever is less) of "motion media"	<p>"Proper attribution and credit must be noted for all copyrighted works included in multimedia, including those prepared under fair use."</p> <p>The material must legitimately acquired (a legal copy, not bootleg or illegal download).</p>
Music	Up to 10% of a copyrighted musical composition may be reproduced, performed and displayed as part of a multimedia program produced by an educator or student for educational purposes.	Some authorities site a maximum length of 30 seconds.
<b>Illustrations and Photographs</b>	<b>What You Can Do</b>	<b>The Fine Print</b>
Photograph, Illustration, Collections of photographs, or Collections of illustrations	A single works may be used in its entirety but not more than 5 images by an artist or photographer. From a collection, not more than 15 images or 10%, whichever is less.	Older illustrations may be in the public domain, but the collection may be copyrighted.

### *Attribution and Copyright Notice*

Educators and students are reminded to credit all sources and display the copyright notice © and copyright ownership information if this is shown in the original source, for all works incorporated as part of the educational multimedia projects prepared by educators and students, including those prepared under fair use.

### *Caution with the Internet*

Just because something is available online does not mean it is free. Resources from the web that could be copyrighted may not be reposted onto the Internet without permission from the author. For example, incorporating images found on the internet into a newsletter and then posting the newsletter to the school's website is not permissible. Copyright owners can easily search the internet to find this type of reposting of pictures, songs, curriculum documents, or quotes, and then threaten to sue the school or you personally for infringement. Links to legitimate resources can be posted. Downloaded resources must be legitimately acquired by the website.

These sites are good sources for public domain or creative commons licensed resources that you can legitimately download and reuse (attribution, non-modification, or non-profit use may be required):

### **Images**

Creative Commons Search - \*Search many sites at once\*

StockVault.net – Free images from photographers around the world

FindIcons.com – Huge resource for avatars or small images

Morguefile – Free stock photos

Open Clipart Library – Public domain clipart

### **Videos**

You may show to a class or embed a video from YouTube, Vimeo, WatchKnowLearn, etc. on a school website as long as it gives you the embed option. But, you should not use streaming videos that clearly appear to be bootleg or unauthorized copies posted by someone other than the author in violation of copyright.

You (or your students) generally can't use parts from videos on YouTube (or other sources) to make mashups or as part of another video. Be sure to have permission to use any video that you are cutting, making changes to, or adding to a project.

### **Curriculum and Text**

Wikipedia - Quote away (with a link back) to any information you find on Wikipedia

Curriki - An open curriculum community

Collaborize Classroom Library – A growing resource for discussion questions, lesson plans, etc.

Resources from most textbook companies or purchased curriculum should not be copied, modified, or posted online.

### **Student Copyright**

Along with staff, students are expected to follow copyright laws. Students will respect the rights of copyright owners, including the rights of copyright owners to materials posted to the Internet. Copyright infringement occurs when a student or staff member reproduce a work that is protected by a copyright outside the limitations of copyright law without the explicit permission of the copyright owner.

Students own the copyright to works that they create in school or for a class assignment. If the work is created by a group, each student will share joint ownership of the copyright. The students and the students' parent or guardian must agree before the school will distribute or profit from student work.

MSD of Wayne Township, Marion County, Indiana

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