COPYRIGHT

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Sources

• The following guidelines are derived from the American Library Association's *Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use.*

and from

• *Complete Copyright: An Everyday Guide for Librarians,* by Carrie Russell
To Copy or Not to Copy…
That is the Question
Favorite Copyright Quote

Only one thing is impossible for God… to find any sense in the copyright law on this planet.

- Mark Twain
What is Copyright

• The right of owners of “creative works” to be protected from unfair copying.

AND

• The right of the public to copy unprotected works in whole, or protected works in part.
Copyright is…

• An attempt to balance the rights of the creators of art, music, literature, science, etc. with the rights of the public to copy those works.

• This is called …

Fair Use
Creators vs. Copiers
Creators vs Copiers
What Does Copyright Protect?

Creative works

Art

Literature

Music

Software

Recorded Performances
What Does Copyright NOT Protect?

- **Things in the Public Domain**
- Research funded by the Government
- Donated works
- Works whose copyright has expired
- Ideas, procedures, principles, discoveries, etc. – although these may be patented or trademarked.
How Long Does Copyright Last?

• Created Before 1923
  – In public domain

• Created between 1923 – 1963
  – 95 years after publication date – if copyright was renewed – otherwise in public domain
New Rule for Authors

• If Created After 1964
  Life of author - plus 70 years
  But no renewals!
New Rule for Corporate Entities (like Disney, AOL)

95 years from date of publication
Or
120 years from date of creation (Whichever comes first)

No Renewals!
What Makes a Work Copyrighted?

Before 1981

• It had to be published
• It had to be registered with the copyright office
• It had to display a Copyright Notice
New Rule

- New materials are automatically protected upon creation.
Copyright Notice

• Not required.
• However, it does provide certain legal benefits should you ever find yourself involved in a lawsuit.
Copyright Notice Consists of

- Name of author
- Year the work was created
- Copyright symbol ©
  or
- The word “Copyright”
Sample Copyright Notices

Copyright 2005, Kent Millwood

Or

© 2005, Kent Millwood
All Rights Reserved

• No longer has any legal meaning.
Work for Hire Doctrine

• Works created by employees in the course of their employment are protected by the employer’s copyright – unless they do it on their own time with their own resources.

• Regardless of administrative policies and procedures, only a signed agreement transfers copyright to the employee.
What is Fair Use?

It Depends!
Fair Use

• "Fair Use" is a judgment call, and different people often disagree with each other.
• Sometimes the only way to clarify a confusing issue is through a lawsuit.
Fair Use Guidelines

1. The purpose or character of the use.
2. The nature of the copyrighted work.
3. The amount of the work used in relation to the whole.
The purpose or character of the use.

**Pro Copying**
- Teaching
- Research
- Criticism / Commentary
- Journalism
- Transformative Uses
- Satire

**Against Copying**
- Profit
- Entertainment
- Bad Faith Behavior
The nature of the copyrighted work.

<table>
<thead>
<tr>
<th>Pro Copying</th>
<th>Against Copying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Published Work</td>
<td>Unpublished Work</td>
</tr>
<tr>
<td>Factual information</td>
<td>Highly creative work</td>
</tr>
<tr>
<td>Supports educational objectives</td>
<td>- Fiction</td>
</tr>
<tr>
<td></td>
<td>- Art</td>
</tr>
<tr>
<td></td>
<td>- Music</td>
</tr>
<tr>
<td></td>
<td>- Drama</td>
</tr>
<tr>
<td></td>
<td>- Ballet.</td>
</tr>
</tbody>
</table>
The amount of the work used in relation to the whole.

**Pro Copying**
- Small quantity
- Portion does not sum up the central idea of the work
- Appropriate amount for specific educational purpose

**Against Copying**
- Whole work
- Large quantity of the work
- Portion sums up the central idea of the work
Commercial effect.

Pro Copying

- User owns work
  - Lawfully acquired
- Few copies made
- Does not financially harm the copyright holder
- No market or potential market
Commercial effect.

Against Copying

• User does not own original
• Lots of copies made
• Deprives copyright owner of income
• Affordable permission available, but not used
• Placed on web
• Repeated or long term use
• Damages market or potential market
Why Is Copyright Important

• You are a professional!
• You model professional behavior to your students.
• Your behavior reflects positively or negatively on Anderson College.
• Possible Repercussions
  – Lawsuits
  – Damage in reputation
Unacceptable excuses

- Everybody does it.
- It’s too much time and trouble to find the copyright holder and obtain permission.
- Everything on the Internet is public domain
- If I can copy and paste it, it’s MINE!
- This is for educational purposes.
- Nobody will care. Nobody will sue.

It’s not important enough to worry about.
More unacceptable excuses

- There’s not enough time. I’ll worry about it tomorrow. La de dah. La de dah.
- I’ve always done it this way and I’ve never gotten into trouble.
An Alternative to Fair Use

• Permission
Copyright Clearance Center or CCC

- Represents both the copyright holder and the copyright user.
- Thousands of publishers
- Millions of titles
- Permission (or refusal) within 24 hrs.
- $0.0075 \times \text{No. of Pages} \times \text{No. of copies}

http://www.copyright.com
Go directly to the Copyright Owner

• May be creator
• May be publisher
• May be a wild goose chase
• Permission for images – cartoons, photos, etc. is almost impossible.
Internet sources of images

- Fotosearch.com
- Ofoto.com
- Image.altavista
- Corbis.com
- ClipArt.com
- MS Works Clip art
Internet sources of sounds

• Microsoft Clips Online -

• Partners in Rhyme -
  http://www.partnersinrhyme.com/
Internet Sources of Music

• HymnSite.com - http://www.hymnsite.com/


• Free Sheet Music – http://www.sheetmusic1.com/NEW.GERATE.MUSIC.HTML
TEACH Act 2002

Technology Education
And
Copyright Harmony Act
Purpose

• An amendment to the U.S. Copyright Law
• Provides an alternative to
  – Fair Use
  – Permission of the Copyright Holder
• Primarily addresses
  – Distance education
  – Websites
Who Can Use TEACH

- Teachers
- Students
- Only at accredited, non-profit institutions
Distance Education / Websites

• Reasonable or limited portions of audiovisuals or dramatic works.
• Entire performances of NON-dramatic works OK – both literary and musical.
• Any still image.
Dramatic vs. Non-Dramatic

- Gone With the Wind
- Discovering Plants
- Documentary – The Making of Gone With the Wind
- Othello (the opera)
- Beethoven’s Fifth Symphony
Dramatic vs. Non-Dramatic

- Great Opera Arias: A Collection
- Nutcracker (Ballet)
Other Restrictions

Institution is responsible for preventing infringement by

• Educating students and faculty
• Using technology to prevent copying and unauthorized access - (passwords, electronic watermarks, encryption, etc.)
TEACH Act 2002

• Usage must be supervised by an instructor
• An integral part of a class session
• A part of systematic mediated instructional activities
• Directly related and of material assistance to the teaching content
Giving Credit

• Credit should be given to copyright holders in a separate section of a multimedia project – usually the beginning or ending.
• Credit for graphics should be presented with the graphic.