





Concise Guide to Copyright

Article I, Section 8, U. S. Constitution / Title 17 United States Code

<p>What can be copyrighted?</p>  <ul style="list-style-type: none"> • Advertising layouts • Architectural works • Choreographic works • Maps • Motion pictures • Musical scores & lyrics • Paintings • Pantomimes • Photographs • Poetry • Scripts • Sculptures • Sound recordings • Videotapes <p>What cannot be copyrighted?</p> <ul style="list-style-type: none"> • Facts • Historical information • Ideas • Processes [can be patented] • Inventions [can be patented] • Trademarks [fall under trademark law] • Works not fixed in tangible form 	<p>What are the copyright holder's rights? (Title 17, Section 106, U.S. Copyright Act 1976)</p> <ul style="list-style-type: none"> • To reproduce the work • To perform it publicly • To prepare derivative works • To publicly display the work • To distribute it • To sell / license the work <p>What four factors should be considered for Fair Use? (Title 17, Section 107 U.S. Copyright Act 1976)</p> <ul style="list-style-type: none"> • Nature of the work [e.g., fact v. fiction; published v. unpublished] • Amount and substantiality [percentage of the original that is copied] • Effect of use [primarily the effect on the market value] • Purpose and character of the work [e.g., commercial v. nonprofit educational] 	<p>What are the purposes for which the Fair Use Guidelines may be applied?</p>  <ul style="list-style-type: none"> • Criticism • Comment • News reporting • Teaching • Scholarship • Research <p>Please Note</p> <ul style="list-style-type: none"> • Educators cannot legally publish a student's work without written permission from that student or the student's parents if the student is under 18. • The Concise Guide to Copyright applies to use of copyrighted materials in the classroom WITHOUT the copyright holder's permission. Rules for distance learning classes do vary. • Any use of copyrighted material should include the copyright notice for the involved material. 	<p>What restrictions relate to multi-media projects when © holder's permission has not been obtained?</p> <ul style="list-style-type: none"> • Allow students to retain student-created projects in personal portfolios indefinitely • Use educator-created projects for no more than 2 years • Make only 2 copies of educator projects • Use up to 10% or 3 minutes maximum of motion media • Use up to 10% or 30 seconds maximum of music and lyrics • Use no more than 5 images from one artist or photographer • Use no more than 10% or 15 images total from published collective work  <ul style="list-style-type: none"> • Copyright protection is now automatic under U. S. law with or without the copyright notice; however, putting a copyright notice on something (1) discourages potential infringers, and (2) gives the copyright holder greater protection in a court of law.
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<p>What restrictions are there on photocopying printed materials?</p> <p>Limit single copies to:</p> <ul style="list-style-type: none"> • A chapter from a book • An article from a newspaper or a magazine • A short story, essay, or poem • A chart, graph, drawing, diagram, cartoon, or picture <p>Limit multiple copies to:</p> <ul style="list-style-type: none"> • A Complete poem of less than 250 words • Excerpt from longer poem not to exceed 250 words • Complete piece of prose less than 2500 words • Excerpt from prose not to exceed 1000 words or 10% whichever is less <p>Do not:</p> <ul style="list-style-type: none"> • Copy repeatedly with respect to the same item by the same teacher from term to term • Use more than 9 instances of multiple copies for one course during one class term • Copy more than 1 piece or 2 excerpts per author • Copy more than 3 pieces from a collective work or periodical volume • Copy more than 1 excerpt from sheet music (which must not comprise a performable unit) • Copy something in order to avoid purchase • Create an anthology, compilation, or collective work from copied materials • Copy consumable works such as workbooks, coloring books or standardized tests 	<p>What other rules apply to making photocopies?</p> <ul style="list-style-type: none"> • Brevity—fit within the allowable limits of length as noted previously • Spontaneity—be at the “instance and inspiration of an individual teacher” <p>And photocopying:</p> <ul style="list-style-type: none"> • Must not be directed by someone in authority [above the individual teacher] • Must not be used to charge students beyond the actual cost of photocopying <p>References:</p> <ul style="list-style-type: none"> • BitLaw, http://www.bitlaw.com • Copyright Law of the United States, http://lcweb.loc.gov/copyright/title17/ • Digital Millennium Copyright Act of 1998, http://lcweb.loc.gov/copyright/legislation/dmca.pdf • Library of Congress, http://lcweb.loc.gov/copyright/circs/circ1.html • Music Library Association, http://www.musiclibraryassoc.org/Copyright/guidemla.htm • Nolo’s Legal Encyclopedia, http://www.nolo.com/keyword/copyrights_home.html • Reproduction of Copyrighted Works by Educators, http://lcweb.loc.gov/copyright/circs/circ21.pdf • Software & Information Industry Association, http://www.siiia.net 	<p>What restrictions are there for using videotapes in the classroom? (Title 17, Section 110, U. S. Copyright Law)</p> <ul style="list-style-type: none"> • Must be shown by educator or educator’s students • Educator & students must be face to face • Must be for educational NOT recreational / entertainment purposes • Must be at a nonprofit educational institution • Must be used in a classroom or other area commonly used for instructional activities • Must be a legal copy <p>What are the guidelines for off-air videotape recordings?</p> <ul style="list-style-type: none"> • Must be programs available without charge to general public • Must be made only at the request of a teacher, not in anticipation of a need/use • May only be recorded 1 time for the same teacher, regardless of the number of times broadcast • Must be used within the first 10 consecutive school days • Must erase, destroy, or get permission to retain/purchase within 45 calendar days • May be shown a second time [only] for reinforcement purposes • Must include the © notice 	<p>What restrictions apply to computer software? (Title 17, Section 106, U. S. Copyright Law)</p> <ul style="list-style-type: none"> • Use only legal copies [civil/criminal fines \$100,000 to \$250,000 and 5 years’ jail time per infringement] • For more than single users, purchase lab packs, site/network licenses, or concurrent licenses that allow a set number of users to access the software at one time • Make only one copy for archival purposes • Keep approved purchase orders, invoices, product specific licenses, vendor/reseller reports, and cancelled checks as proof of purchase <p>Remember to:</p> <ul style="list-style-type: none"> • Teach and model ethical behaviors regarding the use software • Appoint someone to inventory / manage software • Make periodic software audits • Have a written set of policies and procedures regarding software purchases and use <p style="text-align: center;">Center for Educational & Training Technology Post Office Box 309 Mississippi State, MS 39762 Phone: 662/325-5009 MSU is an equal opportunity institution.</p>
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