

Copyright Laws and Requirements



Waunakee Community School District

Committed to Children . Committed to Community . Committed to Excellence

Dear Waunakee Community School District Staff:

Enclosed please find resources explaining copyright for students and teachers. In our digital world, it is very important that you are familiar with allowable practices when creating your own materials and when working with students. The purpose of these materials is to make clear what is appropriate in terms of use of copyrighted materials, including their printing and duplication, as well as to provide some practical guidance for your day to day decisions.

Included in this packet you will find a link to a short video on Common Sense Media and reference pages on the following topics:

- Do you have permission?
- Is work in the public domain?
- Does fair use apply?
- Is the use transformative?
- Do you want to display or perform a work in the classroom?
- A helpful chart with suggestions (i.e. Instead of that, try this)

Please review the entire packet, and keep it accessible in your classroom for when questions arise throughout the year. If you do have questions, please direct them to your school's LMTC director. They compiled this information and are your best resource for those questions.

Please contact Herb Haubrich, Director of Technology, with questions on software licensing.

When in doubt, it is always best to ask.

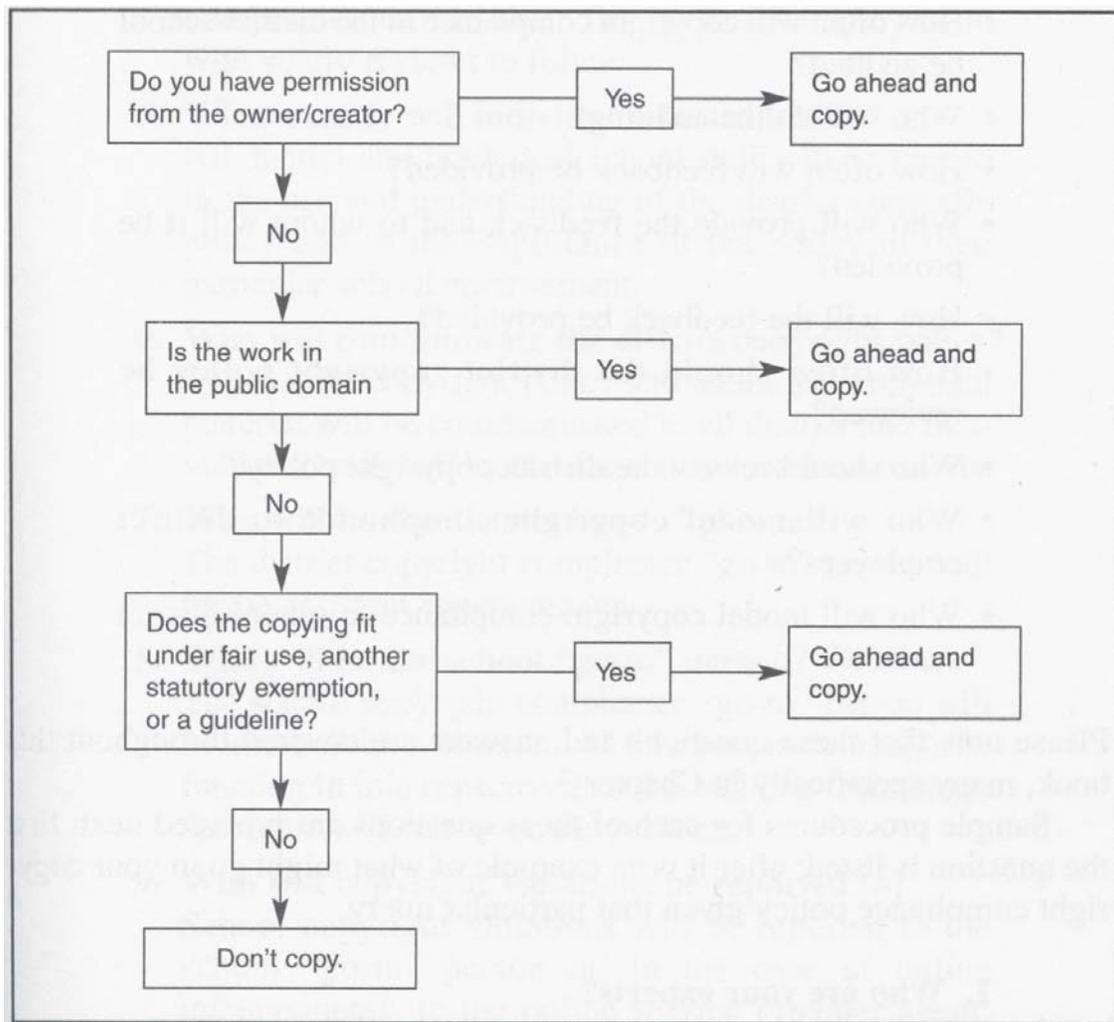
Sincerely,

Amy Johnson
Assistant Director of Instruction

Copyright for Teachers and Librarians

U.S. Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000
(202) 707-3000 or 1 (877) 476-0778 (toll free)
<https://copyright.gov/>

[Watch this short video on copyright from Common Sense Media](https://www.common sense media.org/videos/copyright-and-fair-use-animation)
<https://www.common sense media.org/videos/copyright-and-fair-use-animation>



Source: Butler, Rebecca P. *Smart Copyright Compliance for Schools: A How-to-do-it Manual*. New York, Neal-Schuman Publishers, 2009.



Do you have Permission?

Obtaining Permission from the Owner/Creator

<p>Find Owner</p> 	<p>How to Investigate the Copyright Status of a Work www.copyright.gov/circs/circ22.pdf</p>	<p>Get Permission</p> 	<p>How to Obtain Permission www.copyright.gov/circs/m10.pdf.</p>
<p>Creative Commons</p> 	<p>Creative Commons Creative Commons License Types https://creativecommons.org/share-your-work/licensing-types-examples/</p> <ul style="list-style-type: none"> • Fast way for creator to permit use with stipulations. • Can search Google, YouTube, Flickr and other services by CC license • Can add a CC license to your own creations <p>https://wiki.creativecommons.org/wiki/Best_practices_for_attribution</p>		
	<p>Open Educational Resources https://www.oercommons.org/about</p> <p>Goal: sharing with others to enhance knowledge Example: Creative Commons Licensing Resources: Open Textbooks; Full University Courses (MOOCs); Interactive Simulations; Adaptations of Existing Open Work; K12 Lesson Plans, Resources, & Activities</p>		



Is Work in the Public Domain?

Image: CC BY-SA 3.0 Sara 506
<https://creativecommons.org/licenses/by-sa/3.0/deed.en>

Public Domain:

Works in the public domain are available for anyone to use. Example: Works first published in the United States before 1923. The rules are different if work was not published or if it was first published outside of the United States. Consult the copyright chart or copyright tool below.

Copyright Chart



[Copyright Chart](#)

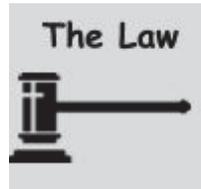
<http://copyright.cornell.edu/resources/publicdomain.cfm>

Copyright Tool



[Copyright Slider Tool](#)

<http://librarycopyright.net/resources/digitalslider/>



Copyright Law of the United States (Titles 17) 301. Preemption with respect to other laws

<https://www.copyright.gov/title17/92chap3.html>

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Does Fair Use apply?

Image: HK KNG/CC BY-SA 3.0/Wikimedia Commons

Four Fair Use Factors:

Factor	Description
Purpose	What will you use the work for? Educational, research, non-profit, criticism, commentary, news reporting, transformative*, restricted in scope (limited duration, access, etc)
Nature	What kind of work are you wanting to use? Previously published, never published, factual in nature, creative in nature, consumable. (Never published, creative, and consumable less fair)
Amount & Substantiality	How much and what part of the work do you want to use? Small or large amount of the whole work, peripheral or core part of work. (Large and core parts less fair)
Market Impact	Will your use of the work negatively impact sales? Is the use substituting for a potential sale either to the person making the proposed use or to others?
★ <i>All four factors should be considered together to determine Fair Use</i> ★	

Source: "More Information on Fair Use." *Copyright.gov*, U.S. Copyright Office, www.copyright.gov/fair-use/more-info.html. Accessed 1 May 2017.

Fair Use Tool



[Fair Use Evaluator Tool](http://librarycopyright.net/resources/fairuse/index.php)

<http://librarycopyright.net/resources/fairuse/index.php>

The Law



Copyright Law of the United States (Title 17) 107. Limitations on exclusive rights: Fair use

<https://www.copyright.gov/title17/92chap1.html#107>

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* **((new))** Is the use **TRANSFORMATIVE?**

Image: Claus Färber/CC BY-SA 3.0/Wikimedia Commons

★ The "Fifth Factor" - Transformative Use

A derivative work is transformative if it **uses a source work in completely new or unexpected ways.**

Is source used in a NEW or UNEXPECTED way?	Examples
Parody of, critique of, commentary on source	A modified photo of a Wisconsin mayor was reproduced on a Tshirt and used to raise money for an event opposed by the mayor.
Remixes	The painter, Richard Prince, created a collage using—in one collage—35 images from a photographer’s book. The artist also used 28 of the photos in 29 additional paintings. In some instances the full photograph was used while in others, only the main subject of the photo was used.
New Technologies	Image Search Engines: Courts found that the copies were being made for the transformative purpose of search indexing, rather than simple viewing.
<i>May be transformative (fair use) even when all four factors do not apply. There is a lot of room for argument and interpretation in transformative use!</i>	

Source: University of Minnesota Libraries <https://www.lib.umn.edu/copyright/fairuse>

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Do you want to **DISPLAY** or **PERFORM** a work **IN THE CLASSROOM?**

The Classroom Use Exemption to Perform or Display Works

Copyright law places a high value on educational uses. The Classroom Use Exemption ([17 U.S.C. §110\(1\)](#)) only applies in very limited situations, but where it does apply, it gives some pretty clear rights.

To qualify for this exemption, you must:

- Be **in a classroom** ("or similar place devoted to instruction").
- Be there **in person**, engaged in face-to-face teaching activities.
- Be **at a nonprofit educational institution**.

If (and only if!) you meet these conditions, the exemption gives both instructors and students broad rights to **perform or display** any works.

Classroom Use Exemption:

Instructors in the Classroom CAN	Be CAREFUL! Instructors CANNOT
Play legally-obtained movies and music	Use exemption in a for-profit organization
Show images or original artworks	Use exemption online
Have students perform arias, read poems, act out scenes from a play	Use exemption in situations that are not in-person
<i>No permission, payment, or determination of Fair Use status needed.</i>	Use exemption to make or distribute copies

Source: University of Minnesota Libraries <https://www.lib.umn.edu/copyright/limitations>
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Examples

 Instead of...	 Try
Playing Netflix or Amazon Prime videos in the classroom---a terms of service violation	Checking out a DVD from the library , using Safari Montage , obtaining a purchased digital copy of the video
Sharing a single user log-in to a service (Flocabulary, Learning A-Z, BrainPOP)---a terms of service violation	Obtaining an individual license for each user or a school or district license or using an open access product instead.
Publicly sharing or publishing images from the internet without regard to copyright--often a copyright violation	Searching for images that allow for re-use via a Creative Commons license (can easily do this in Google) or searching for images that are in the Public Domain . Possible services are Flickr's Creative Commons, Pixabay.
Using copyrighted music in projects that are then uploaded online (published)--a copyright violation	Using SoundzAbound from Badgerlink for music and sound effects or creating original music for your productions or searching for music in the public domain . You can also use licensed music from within a tool, such as iMovie.
Copying workbook pages for your students--a copyright violation unless there is a written indication that this is allowed.	Obtaining a workbook for each student or using work that is available via open access or a Creative Commons License
Copying segments of a webpage to create a document that is then accessed online.	Creating a link to the original content
<i>If you have questions, please contact your school LMTC Director.</i>	