

COPYRIGHT

copyleft, copyfree
a journey through the copyright maze



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DISCLAIMER

- Disclaimer – we're not lawyers.
- If you need legal advice, ask a lawyer.
- Copyright lawyers rarely generalize: they'll just tell you, "It depends!"

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What is Copyright?

- *"Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software and architecture."*

United States Copyright Office http://www.copyright.gov/help/faq/faq-protect.html#what_protect

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There are Still Rules for Educational Purposes

- There is a misinterpretation of general copyright rules by teachers.
- Not all materials can be used for educational purposes without the permission of the creator.

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Reason to Present

- There have been many teacher training sessions held at Robert College; in these sessions, we see that many teachers do not really know what fair use is.
- The Library and Educational Technology department collaborate when issues about copyright rules come up.

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Teachers & Students

- Teachers think it is ok to use copyrighted materials as they assume they will not be caught.
- Students have no clue about copyright rules.
- Teachers say "but my students do it" which they think gives them the right to trespass rules.

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Main Issues

Digital World

- Videos (Movie Licensing, downloading videos, Creativecommons)
- Uploading Videos
- Downloading Music / MP3 share
- Podcast
- Copying DVDs & VCDs
- Using images owned by others without citation

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Main Issues

Art World

- Using images (photographs, images taken from the internet, original art work etc.) to recompose an art piece.

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How to be More Aware

- Teacher training (Copyright rules)
- Teacher training (General)
- Plagiarism courses for students
- Teachers passing on the knowledge
- School administration being aware of the latest regulations

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Copyright and plagiarism

- *Bibliographies & citation*
- *Publication (print or web)*
- *Public performance*
- *The need to train teachers!*
- *The need to train students!*

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The rights of the copyright holder

Rights

reproduction

adaptation

publication

performance

display


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International dimensions.

There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions.

<<http://www.copyright.gov/circs/circ1.html>>

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International Copyright

treaties, unions, conventions ...

- Berne Convention
- Universal Copyright Convention
- WIPO Copyright Treaty
- WIPO Performances and Phonograms Treaty
- GATT/WTO TRIPS


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Vive la difference!?

- Television broadcasts
 - USA : keep for 45 days, but use in classroom within 10 days
 - UK : free use in classroom, apparently no time limitations
 - [may depend on ERA licence]
 - TR : free use within the educational institution


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They won't catch us... ?

- Not many examples of teachers or schools being **prosecuted**.
 - cases tend to be settled out of court – so numbers of cases are not known.
 - Cease & desist
 - Monetary compensation
- Not many examples of international prosecutions – but **it does happen**.

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They won't catch us... ?

The educational experience

- Manchester City Council
- Kenneth Crews (various works and articles) including
 - Marcus v Rowley
 - Bridge Publications v Vien
 - Encyclopedia Britannica Educ Corp v Crooks
- Carol Simpson's database
<<http://web3.unt.edu/children/copyright/list.cfm>>

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They won't catch us... ?

The international experience

- London Film Productions Ltd. v. Intercontinental Communications, Inc.
- USA v Hew Griffiths
- ??? Really Useful Group

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Why bother?

- The chances of getting caught are slim.
- The consequences are usually inconsequential.

Integrity, example, and ...

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Quick Quiz - 1

There is no © copyright symbol,
so the work is not
copyrighted.

True or False?

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Quick Quiz - 2

It's ok to copy / perform as long
as we don't charge.

True or False?

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Quick Quiz - 3

It's ok to copy / perform as long
as it's just done in school.

True or False?

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Quick Quiz - 4

It's ok to copy / perform as long
as I credit the author.

True or False?

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Quick Quiz - 5

It's ok to copy if I write for
permission.

True or False?

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Quick Quiz - 6

The small print says, "Free to use /
no attribution necessary." This
means I have permission to
use it and I don't have to
name the author / artist.

True or False?

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OK, when can I use someone else's work?

- If the work is in the public domain.
- If permission to copy/ use is given or is obtained.
 - May already be given.
 - May be given freely on request.
 - May cost or carry restrictions.
- If your use is a fair use (also known as fair dealing / flexible dealing).
- If your use falls within the classroom guidelines.

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Public domain

- Is the work in the public domain?
 - Often **xx** years after the death of the author, composer, artist, etc. / OR **xx** years after first publication
 - Varies from one country to another.
 - Problems when it is a company which holds the copyright.
 - Has the copyright holder given up his/ her rights?

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Permissions.

- Is the work labelled "Copyright-free"?
 - Be sure that the publisher does have copyright rights!
- Check the small print.
 - Back of the title page / magazine details.
 - Terms & conditions or About us on web.
 - Commons licensing notice.
- Get permission from author/ publisher/ copyright holder.
- Use a copyright clearance agency / performance rights agency.
 - May be specific for one-time use.
 - May be general covering all uses.

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Fair Use Fair dealings / Flexible dealings

1. Criticism and comment.
2. Parody and satire.
3. Teaching, scholarship and research.
4. News reporting.
5. Research.

Copyright Law of the United States of America.
§ 107. Limitations on exclusive rights: Fair use.
<<http://www.copyright.gov/title17/92chap1.html#107>>

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Fair Use Fair dealings / Flexible dealings

- Has the force of (US) law.
- Factors taken into account include:
 - **Purpose and character of the use**
 - **Nature of the copyrighted work**
 - **Amount used**
 - **Effect on potential market**

Copyright Law of the United States of America. § 107. Limitations on exclusive rights: Fair use.
<<http://www.copyright.gov/title17/92chap1.html#107>>

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“The law of fair use is flexible...”

It depends!

Useful first step: check what is acceptable in the country in which the copyright is held.

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Classroom Guidelines

- Are *not* part of US law (a set of agreements)
- Safe harbor : they specify minimum allowances which may be copied (but - often treated as maximum allowances)
- **Brevity**
- **Spontaneity**
- **Cumulative effect**

Kenneth D. Crews. The Law of Fair Use and the Illusion of Fair-Use Guidelines. Ohio State Law Journal 62 (2001), 695. April 2008. <<http://moritzlaw.osu.edu/lawjournal/issues/volume62/number2/crews.pdf>>

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Myths about copyright

(From Brad Templeton, 10 Big Myths about copyright explained. <<http://www.templetons.com/brad/copymyths.html>>)

- If there's no copyright symbol, then the work is not copyrighted
- It's ok to copy / perform as long as I'm not making money out of it
- It's ok to copy / perform as long as it's for education (non-profit-making organization)
- It's ok to copy / perform as long as I give credit to the author
- It's ok to copy if I can't find the copyright holder
- It's ok to copy if I write for permission (even if I don't get a reply)

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Low Risk << >> High Risk

Using the original
Use in classroom
Curriculum-driven
Copying small portion
No charge
Classroom set

Making/ using copies
Public performance
Entertainment
Copying all of a work
Profit making
Publication/broadcast

Fair Use claims / within
classroom guidelines

Deprives copyright holder
of income

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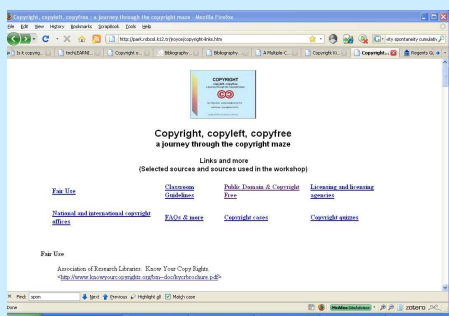
If you're still not sure...

- Place the item on library reserve.
- Provide a link to the web-site.
- Show the material live.
- Use something else.

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Works Cited & Further Information

<http://portal.robcol.k12.tr/copyright-links.htm>



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Copyright : when can I use someone else's work? *			
The copyright holder has the right to say who may :	Copy	make one or more copies, eg for classroom use, personal use (copy, photocopy, record etc)	
	Publish	make publicly available, in print, on television, on the Internet etc	
	Perform	perform the work	
	Adapt	change the nature of the work (eg write the play of a book), change format (eg VHS >> DVD), translate, abridge ...	
	Display	includes public performance, showing movies, etc	
The copyright holder may sell or lease some or all rights in his/ her work			
<p>So, if you want to copy, publish, perform, adapt or display someone else's work, you must ask, "What is the copyright position in the country in which the copyright is held?"</p>			Turkish copyright law may be different to the law in other countries, with regard to educational use. It is advisable to look at the position in the country in which the copyright work was published.
	Yes	No	But
1. Is the work in the public domain?	No permission is needed; the work is no longer subject to copyright.	Go to question 2	Be sure that the whole work is in the public domain, eg the music or illustrations, as well as the words!
2. Is permission already given?	Look for copyright notices, commons licensing, etc	Go to question 3	Read the small print: permission may include some restrictions on how the work is used, whether it may be used commercially, and so on.
3. Does your use fall within classroom guidelines?	If yes, then you can probably use it.	Go to question 4	Read the small print of the guidelines, which are based on how much you use, how soon you need to use it, and how much copying has already been done.
4. Do you have a fair use argument?	If yes, then you can probably use it; make a record of your fair use argument, in case it is questioned.	Go to question 5	Fair use gives educators much leeway with regard to use of copyright material - though often specifies (amongst other things) that it must be during face-to-face classroom instruction in pursuit of the curriculum.
5. Are you already licensed to use this work?	If your school or district has a blanket license, then no further permission is required.	See "What other options are open to me?"	Many schools and districts purchase licenses allowing them to photocopy, perform music, display movies, and so on. Check on yours.

Copyright : when can I use someone else's work? *		
What other options are open to me?		
	Write for permission	Most authors are pleased that you have read their piece, flattered that you have asked; 9/10 you will get permission. (Make a note in the text, or on the slide!)
	Obtain a license	It may cost, but it may be cheaper than prosecution! Prosecution is most likely to follow when a copyright holder is deprived of income.
	If a print work, place it on reserve in the library	One person cannot borrow and keep the item, everyone has access as it may not be borrowed.
	Provide a link to the web site	In your lesson notes, bibliography etc; each individual goes to the web site.
	Use the material live	Instead of downloading from a web site, project the live page.
	Use something else	Find an alternative which you <i>can</i> use.
* Note: we are not lawyers, and this is not legal advice. If you do need legal advice, consult a lawyer.		
These are the guidelines we use in our school, in good faith.		
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