

Renton Technical College: Copyright and Copy-wrong

What Copyright Is:

- Copyright law gives the creator of a work the right to control who can make copies, or make works derived from the original work.
- Copyright law allows the author to set fees for the use of their material.
- Copyright lasts for the lifetime of the author plus 70 years.
- Copyright is a **limited** right. (One of those limitations is Fair Use.)

Why Copyright Compliance Matters:

- There is no “immunity” from copyright law even if you work for a public school, or are making no money from the copyright infringement. Teachers have been sued and lost. Churches have been sued and lost.
- Losing a copyright infringement case can be expensive. Damages can range as high as \$150,000 plus attorneys fees. (That’s section 504 and 505 of title 17.) And the part of your work that includes the infringing material can be impounded.

Educators are allowed to use some copyrighted materials under the Fair Use doctrine.

Fair Use

Fair Use allows the public to use parts of a copyrighted work for criticism, scholarship or teaching. Fair Use is a balancing test. You review four factors and argue that on balance, your use is fair. According to title 17, Chapter 1, Section 107 of the copyright law, the four factors considered when arguing Fair Use are:

1. The purpose of the use. Why are you making this copy? To make a profit is probably not Fair Use; teaching is likely Fair Use.
2. The nature of the publication. Was the original work creative? Fiction is more strictly protected.
3. The amount of the work used. The smaller the amount of the work used, the better.
4. The effect on the market for the work. Is your work going to compete in the market against the work? Perhaps even replace the work? If so, your use is probably not Fair Use.



RTC Classroom Copying Guidelines

To take some of the ambiguity out of Fair Use, RTC has adopted a procedure which defines Fair Use.

RTC Procedure 22022 – 7/19/94 – Attachment 2 lists the kind and amount of materials you can copy. This is **an excerpt** from the procedure:

- *Poetry: A complete poem if less than 250 words (not to exceed two pages) or an excerpt of not more than 250 words from a longer poem.*
- *Prose: A complete article, story or essay of less than 2,500 words or 10% of the work, whichever is less.*
- *Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.*

The decision to use the work and the moment of its use for maximum teaching effectiveness must be so close in time that it would be unreasonable to expect a timely reply to a request to photocopy....

Permission to copy any material not fitting the above description must be obtained from the publisher's Copyright and Permissions Department prior to photocopying the work. The earlier you request permission, the better, in case it cannot be granted and you need to substitute other materials.

For the full procedure see **RTC Procedure 22022 – 7/19/94 – Attachment 2 .**

Showing Videos/DVDs in the Classroom

Rules for Showing Commercially-produced DVDs and Videos in Your Classes:

If the item you want to show comes with Public Performance Rights (PPR) then you usually don't have to worry about copyright infringement issues. Otherwise your use should meet the following six conditions:

- It has to be shown in the classroom.
- It has to be show in the course of face-to-face teaching activities.
- For instructional purposes.
- Only to your students.
- The copy you're using must be lawfully acquired.
- It has to be shown by the instructor, guest lecturer, or by students as a part of their class work.

Rules for Showing Television Programs You have Pre-taped for Your Class:

First, you have to meet all of the conditions listed above for showing commercially-produced videos. Then you need to meet these additional conditions:

- The program has to be from one of the commercial networks.
- You have to show it within 10 days of the time the program aired.
- You can only show it twice in the same class.
- You do have to include the copyright notice in the broadcast.
- After 45 days you should get rid of the tape. (Or keep it for your home use.)

Rules for Student Use of Copyright Materials:

You have a student preparing a presentation. Can they use copyrighted work as part of it? They can make a copy of media material if their use meets these conditions:

- They intend to use the materials in a class assignment.
- They use a small piece of electronic or multimedia material. (Unfortunately, there is disagreement about what "small" means. What many policies suggest is that no more than 10% of a work be copied, or no more than 3 minutes, whichever is less.)
- They must cite the original creator of the work.
- They may change the look or sound of the material for purposes of criticism, but must say what they changed.
- They may keep it in their portfolio for two years, but after that they should ask permission from the copyright holder.

RTC Library Materials on Copyright

Copyright Law for Librarians and Educators: Creative Strategies & Practical Solutions. 3rd Edition. – The latest by copyright guru Kenneth D. Crews. Covers getting comfortable with Fair Use, copyright and distance education, and much more. Call #: 346.0482 CREWS 2012

The Copyright Handbook: How to Protect & Use Written Works. - A book and CD-Rom offering information for both sides of the copyright question—the creators of the work and the people who want to use it. The CD-Rom has forms for all copyright occasions. Call #: 346.0482 FISHMAN 2003

The Public Domain : How to Find Copyright-free Writings, Music, Art & More. 5th Edition. How to determine an item's copyright status, and factors to consider when deciding if you can use it. Call #: 346.0482 FISHMAN 2010

The Teacher's Guide to Music, Media, and Copyright Law. Performance rights, downloading music, internet radio, and much more. Call #: 346.0482 FRANKEL 2009

Copyright Law on Campus - Discusses the basis of copyright in the US, methods of getting permission to copy, Fair Use, and copyright and distance education. Call #: 346.0482 LINDSEY 2003

Web Sites on Copyright:

[Circular 21—A Teacher's Guide to Fair Use and Copyright.](http://www.copyright.gov/circs/circ21.pdf) The law as it is currently interpreted. Every teacher should read Section C (pages 5-11) at least once. It's a .pdf file, so you'll need Adobe Reader. <http://www.copyright.gov/circs/circ21.pdf>

[Solving the Copyright Mystery.](http://seattlecentral.edu/iris/copyright-mystery/) A tutorial for teachers and students on copyright. Take the quiz and see how much you know about copyright. <http://seattlecentral.edu/iris/copyright-mystery/>

[University of Washington Copyright Information for Educators](http://www.lib.washington.edu/help/guides/copyright.html) Another good page with links to information on many copyright topics, including the text of the laws that apply, copyright forms, other universities copyright policies, and recent court cases. <http://www.lib.washington.edu/help/guides/copyright.html>

[A Visit To Copyright Bay](http://www.stfrancis.edu/cid/copyrightbay/) A great copyright site with memorable graphics. If you learn visually, take a look at this site.<http://www.stfrancis.edu/cid/copyrightbay/>

Sources of Public Domain or Creative Commons Materials

“Public domain” means the items aren’t covered by copyright (because copyright existed but has expired or because the item was never covered under copyright.) An author who gives their works a Creative Commons license is giving up some of their legal rights under copyright law..

This is a small sample of the many web sites that offer free or rights-relaxed material:

Pics4Learning

<http://www.pics4learning.com/>

Copyright friendly images for use by teachers and students. “Images in the Pics4Learning collection may be used by teachers and students in print, multimedia, and video productions. These could include, but are not limited to, school projects, contests, web pages, and fund raising activities for the express purpose of improving student educational opportunities.”

US Government Graphics and Photos

<http://www.firstgov.gov/Topics/Graphics.shtml>

If you’re looking for a public domain photograph, this is probably the best place to start. It offers a list of US government sites with photos and graphics. Most, but not all, pictures and graphics on the linked pages are public domain.

Creative Commons Search

<http://search.creativecommons.org/>

Offers access to works – graphics and pictures, music, texts – where the copyright holder has offered certain rights to their work freely to the public. There may or may not be restrictions on how the work can be used. Be sure to check each item you want to use, to make sure the rights you want are available.

Wikipedia:Public domain image resources

http://en.wikipedia.org/wiki/Wikipedia:Public_domain_image_resources

A long list of public domain and creative commons materials. Be sure to check each item you want to use, to make sure the rights you want are available.