

Copyright and Fair Use for Teachers



What is Copyright? What is Fair Use?

Copyright provides legal protection for original creative works, including, but not limited to, poetry, movies, video games, videos, plays, paintings, sheet music, recorded music performances, novels, software code, sculptures, photographs, choreography and architectural design. Copyright holders, and those they authorize, have several rights afforded to them, including:

- Public display or performance of work.
- Reproduce the entire work or parts of it.
- Distribute copies of the work.
- Derive works, such as translations or dramatizations.

Copyright protection has limitations and exceptions. Fair Use allows copyrighted material to be used under certain guidelines, without the copyright holder's permission, for purposes such as news reporting, teaching, research, criticism, and parody. Fair use consideration includes four factors:

- Purpose and character of use.
- Amount of work to be used.
- Nature of the work.
- Effect of any use on the market for the work.

Keep in mind that education purposes do not guarantee permission to copy or distribute work. Many cases may be permissible, but it is important to evaluate each use individually. There are several resources that you can consider, including asking your media specialist.

Copyright and Fair Use Educator Resources...

- Great for students, this popular video uses Disney characters to demonstrate, [A Fair\(y\) Use Tale](#).
- OCPS Management Directive B-7: [Guidelines for Use of Copyrighted Materials](#).
- Interested in [Teaching Copyright](#)? Full curriculum resources, including quizzes.
- Further information about [PBS' extended recording rights for K-12 schools](#).
- ALA's interactive online, [Fair Use Evaluator](#) for determining copyright exceptions.
- Printable PDF [Fair Use Checklist](#), which can be used by teachers and students.
- Printable two-page PDF chart, [Copyright and Fair Use Guidelines for Teachers](#).
- The Center for Social Media's Copyright and Fair Use [teaching resources and videos](#).

Further Resources.....

- The entire text of the [U.S. Copyright Act of 1976](#).
- The Copyright Office also discusses [Fair Use in greater detail](#).

What is Creative Commons?

Since Copyright protection limits free use of many works, it can sometimes be difficult to find sources for teacher or student projects and multimedia presentations. Fortunately, [Creative Commons](#) allows users to share images, music, video and other creations freely. Established in 2001, Creative Commons is a nonprofit corporation, whose purpose is to make it easier for people to share, mix and build upon the works of others. Utilizing six main licenses, creators freely share their work under certain conditions and uses, or dedicate them to the public domain. Depending upon the license, users can use works in collaborative ways and then, publish and license their final product.

To learn more about utilizing Creative Commons...

- Watch the videos, [Get Creative](#) and [Wanna Work Together](#).
- Learn about the six primary [Creative Commons licenses](#).

What are some resources for Creative Commons?

- **Images:** [Pics4Learning](#), a site that has donated images for teacher and student use. [Flickr](#), an excellent source for images, with a specific search for those with CC licenses.
- **Video:** [Blip.tv](#), a video hosting website, which allows users to search by CC license.
- **Sounds:** [The Freesound Project](#), an extensive database for sounds either generated or field recorded, that have CC Sampling Plus Licenses. [SoundBible.com](#), the “Encyclopedia of Sounds,” allows users to make requests of the online community and contains royalty free sounds effects that are either in the public domain or have CC Attribution licensing. [SoundTransit](#), an original German phonography project, is now an international collaborative online community that provides field recordings with CC Attribution licensing.
- **Music and spoken word:** [CC Mixter](#), a community website for music and spoken word audio clips. [American Music](#), a subscription based database that offers copyright free music, requires a login (ocps) and password (copyright).
- **Audio, video, text:** [Internet Archive](#), founded in 1996 and widely known for the [Wayback Machine](#), the Internet’s archived web page history, is a non-profit Internet Library that continues to add resources. Full text is available for public domain books through Project Gutenberg and other collections. The audio database includes recordings from The Grateful Dead and historic radio programs, as live recordings are of particular interest to the Archive. The video database collection contains classic movies and user created files. Usage rights vary on the site, due to the large collections and sources.
- **Sounds, video, and images:** [Wikimedia Commons](#), formatted similarly to Wikipedia, is a user created wiki that serves as a “media file repository.” Each file is individually licensed by its contributor.



Copyright and Fair Use Cheat Sheet

Work	Fair Use	Violation
Poem	<ul style="list-style-type: none">• Single copy for teacher use.• One copy per student, provided material is brief, spontaneously copied, and meets the four fair use considerations.• Students and teachers may incorporate text into multimedia projects.• Multiple copies allowed of a complete poem, up to 250 words -- no more than two printed pages.• Multiple copies of up to 250 words from longer poems.• Copyright and attribution provided.	<ul style="list-style-type: none">• Copies used multiple times without permission, not to exceed nine occurrences per class term.• Copies made with the intent to avoid purchase of the selected work.
Chapter of a book	<ul style="list-style-type: none">• Single copy for teacher use.• One copy per student, provided material is brief, spontaneously copied, and meets the four fair use considerations.• Students and teachers may incorporate text into multimedia projects.• Copyright and attribution provided.	<ul style="list-style-type: none">• Copies used multiple times without permission, not to exceed nine occurrences per class term.• Copies made with the intent to avoid purchase of the selected work.• Workbooks and consumables may not be copied.
Prose, short story, web, newspaper, or magazine article	<ul style="list-style-type: none">• Single copy for teacher use.• One copy per student, provided material is brief, spontaneously copied, and meets the four fair use considerations.• Copies of complete work of less than 2,500 words and excerpts up to 1,000 words or 10% of work, whichever is less.• For works of 2,500-4,999 words, 500 words may be copied.• Students and teachers may incorporate text into multimedia projects.• Copyright and attribution provided.	<ul style="list-style-type: none">• Copies used multiple times without permission.• Copies made with the intent to avoid purchase of the selected work.

Work	Fair Use	Violation
Artwork or graphic image	<ul style="list-style-type: none"> • Five images, or fewer, of an artist/photographer in one program or printing and not more than 10% or 15% of images from published collective work, whichever is less. • Copyright and attribution provided. 	<ul style="list-style-type: none"> • Alteration of image into another form, for other than temporary purposes.
Video	<ul style="list-style-type: none"> • The material must be legitimately acquired or purchased by the school. • Must be for instructional classroom use, not entertainment. • Clips used in a multimedia presentation may be 10% or three minutes, whichever is less. • Copyright and attribution provided. 	<ul style="list-style-type: none"> • Multiple copies prohibited. • Alteration of video into another form, for other than temporary purposes. • The video must be a legitimate copy, not rented or bootleg.
Music	<ul style="list-style-type: none"> • Clips used in a multimedia presentation may be 10% of a composition. • Copyright and attribution provided. 	<ul style="list-style-type: none"> • Alteration of composition into another form, for other than temporary purposes. • Multiple copies prohibited.
Broadcast television shows (not cable)	<ul style="list-style-type: none"> • Single copy of broadcast may be made, but shown to multiple teachers. • Copy should be shown during the first ten days from air date, up to forty-five days after recording date. • Copyright notice required. • PBS offers extended recording rights of up to one year on most programs. 	<ul style="list-style-type: none"> • May not be altered. • May not be recorded at the request of an administrator or district. • Multiple copies prohibited.