

Teaching Tip

September 24, 2004

Fair Use and Copyright

As teachers, it is never a bad time to review issues related to copyright and Fair Use. For this tip, I have summarized some information about fair use and listed a few web sites that provide more detail about copyright in general. In the digital age, there are some newer questions about Fair Use. For example, although we are allowed to make a copy of an article to distribute to our students, we cannot post this resource on any web site. The web site must be secure and password protected. In future tips, I will provide more specifics about fair use in the digital environment.

In general the definition of Fair Use is as follows:

Fair Use guidelines permit a teacher to make one copy of any of the following: a chapter from a book; an article from a periodical or newspaper; a short story, short essay or short poem; a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

*Teachers may photocopy articles to hand out in class, but the guidelines impose restrictions. Classroom copying cannot be used to replace texts or workbooks used in the classroom. Pupils cannot be charged more than the actual cost of photocopying. The number of copies cannot exceed more than one copy per pupil. And a **notice of copyright must be affixed to each copy**.

Examples of what can be copied and distributed in class include:

- A complete poem if less than 250 words or an excerpt of not more than 250 words from a longer poem
- A complete article, story or essay if less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less; or
- One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume (for example, a magazine or newspaper) during one class term. As a general rule, a teacher has more freedom to copy from newspapers or other periodicals if the copying is related to current event.

*Information for this summary about Fair Use was provided by Stanford University:

<http://fairuse.stanford.edu>.

Another wonderful site with a variety of information about Fair Use and copyright can be

found at

http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter7/7-b.html#1

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Teaching Tip

October 1, 2004

Digital Copyright

Students and Copyright

While it may be true that many teachers understand and fairly use copyrighted material, they often don't hold their students accountable to the same rules. For example, students often present ideas and projects in class without regard for the rights of copyright holders. This is especially true when it comes to digital copyrighted material. It is not uncommon for students to use pictures, movies, and music for their PowerPoint presentations and digital narratives (movies, slideshows, interviews, etc.) without crediting the authors of the media they use. There are some measures that we can use to help our students understand the importance of giving credit to other's work.

Suggestions:

- As an instructor who uses digital media within Fair Use guidelines, set an example for your students. Fair Use guidelines allows teachers very liberal privileges when it comes to using other's media for classroom venues, but always give credit to the originators of the media by explicitly crediting the copyright owners in some form of writing. For example, if you are using an image that you found on the web, contact the web site manager/owner and find out if you can get permission to use the image in your class. At the very least post the author's name or the web site you got the image from.
- Demonstrate to students how to post the copyright notice that accompanies digital media so that they may follow suit when using media under the Fair Use guidelines.
- Review with students the proposed guidelines that are listed below.

The following guidelines were provided by <http://fairuse.stanford.edu> and should be reviewed whenever using copyrighted digital media

Proposed Guidelines for Using Digitized Images in Lectures, Scholarly Presentations or Publications

Under proposed guidelines, an educator may display a digital image prepared from an analog image if the display is for educational purposes such as face-to-face teaching or research and scholarly activities at a nonprofit educational institution. An educational institution may compile digital images for display on the institution's secure electronic network to students enrolled in a course given by that educator for classroom use, after-class review or directed study. Educators, scholars, and students may use or display digital images in connection with lectures or presentations in their fields, including uses at non-commercial professional development seminars, workshops and conferences.

The proposed guidelines do not permit reproducing and publishing images in publications, including scholarly publications in print or digital form, for which permission is generally required.

Proposed Guidelines for Students or Instructors Preparing Multimedia Works

There are extensive proposed guidelines for the creation and use of multimedia works. Multimedia works include any combination of music, text, graphics, illustrations, photographs and audiovisual imagery combined into an integrated presentation, along with accompanying projection and playback equipment. For example, an instructor in copyright law may use a software program such as Microsoft Power Point to create a class presentation that includes still and moving imagery as well as music and spoken words. If you are contemplating preparing multimedia works for classroom instruction you should download the CONFU Report (website listed above) and review Appendix J in that report.

In general, students and instructors may create multimedia works for face-to-face instruction, directed self-study or for remote instruction provided that the multimedia works are used only for educational purposes in systematic learning activities at nonprofit educational institutions. Instructors may use their multimedia works for teaching courses for up to two years after the first use.

There are also certain "portion limitations." An educational multimedia presentation may include:

- Up to 10% or 1,000 words, whichever is less, of a copyrighted text work. For example, an entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from any anthology.
- Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work.
- Up to 10% or three minutes, whichever is less, of a copyrighted motion media work (for example, an animation, video or film image).
- A photograph or illustration may be used in its entirety but no more than five images by an artist or photographer may be reproduced. When using photographs and illustrations from a published collective work, no more than 10% or 15 images, whichever is less. Or,
- Up to 10% or 2,500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced. A field entry is defined as a specific item of information, such as a name or Social Security number in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

*In an attempt to provide educational access to copyrighted images, a consortium of art museums and archives created the Art Museum Image Consortium (AMICO). AMICO maintains and licenses a collective digital library of images and documentation. AMICO enables its members to negotiate digital rights with artists, artists' estates and museums in

other countries, and provides members with access to each other's holdings for their own educational uses. AMICO's website is located at www.amico.org

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