

## What is copyright infringement? You need to know the answer



Hereford ISD Teachers:

Understanding copyright is very important for teachers because they are constantly faced with opportunities to uphold or violate copyright law. It is identified in Hereford ISD school policy CY(LEGAL) and CY(LOCAL) that teachers must uphold all copyright laws. By violating them teachers could face serious legal consequences as well as termination of their job. It is important that Hereford ISD teachers are aware of what constitutes fair use and abide by the rules set forth in policy and law. For example, if you find that there are not enough textbooks, or other assigned text for students, a teacher is not allowed to download from the Internet, point to an unapproved URL, make photocopies of the entire book, or even an entire chapter, to provide a copy for a student. In the same manner, a teacher is also not allowed to download or copy any reproducible materials, such as workbooks, to avoid the purchase of more materials.

Copyright is not only about what one is not allowed to do. Fair use guidelines make many actions permissible without violating copyright law. A table of some Fair Use guidelines is attached. Teachers are faced with more problems related to copyright now that technology use is so prominent in education. Teachers must be aware of using copyrighted images or music in digital projects they create as well as projects their students create. Teachers must teach their students how to abide by copyright laws and therefore should lead by example.

### Copyright Related Resources for Teachers

- *Copyright Kids*  
<http://www.copyrightkids.org/>  
This site breaks copyright down into simple explanations. It provides definitions, links, sample permission letters, a copyright quiz, and even a link to register your own work. Great for teaching copyright to elementary aged students.
- *The Copyright Site*  
<http://www.thecopyrightsite.org/>  
This site is specifically for helping teachers understand copyright. There are scenarios for discussion or critical thinking with clickable links to see if it was a copyright violation. There are also debunked myths about copyright and teaching ideas.
- *Copyright for Teachers and School Libraries*  
<http://users.mhc.edu/facultystaff/awalter/Brim%20site/index.html>  
This is a website that helps breakdown fair use privileges. A valuable aspect of this site is the video chapters explaining copyright questions.

Abiding by copyright law and HISD policy is a condition of employment and should not be overlooked or taken lightly. You are being asked to sign for a copy of this letter as acknowledgement of receipt.

Kelli Moulton  
Superintendent – Hereford Independent School District  
December 11, 2012

Copyright & Fair Use Guidelines for Educators\*

Media or Material	What You Can Do	Author	Illegal without Explicit Permission
<p>Artwork or graphic image</p> <p>Chart, diagram, graph, drawing, cartoon, picture, web page image</p>	<p>Single copy for teacher for research, teaching, or class preparation.</p> <p>Multiple copies (one per student per class) okay if materials are 1) adequately brief, 2) spontaneously copied, 3) in compliance with cumulative effect test.</p> <p>No more than 5 images 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.</p> <p>Copyright notice and attribution required.</p>	<p>Fair Use Guidelines for Educational Media</p>	<p>Multiple copies used again and again without permission.</p> <p>Multiple copies to create anthology.</p> <p>Multiple copies to avoid purchase of textbook or consumable materials.</p> <p>Incorporation or alternation into another form or as embellishment, decoration for artistic purposes for other than temporary purposes.</p>
<p>Broadcast television programs</p>	<p>Single copy of off-air broadcast may be used for instruction.</p> <p>Use by only individual teachers.</p> <p>Copyright notice required.</p>	<p>Congress</p>	<p>Multiple copies prohibited. Incorporation or alteration into another form as embellishment for artistic purposes for other than temporary purposes prohibited.</p> <p>Some programs strictly limit copying privileges.</p>
<p>Cable television</p>	<p>Congress defined guidelines for TV programs before cable television was a factor. Cable programs are not technically covered by the same guidelines as broadcast television.</p> <p>May be used with permission. Many programs may be retained for years depending on the program. Check with cable network or copyright permission.</p>	<p>Cable systems and their associations</p>	
<p>Chapter from a book</p> <p>Article from a periodical, short story, essay or poem, chart, graph, diagram, drawing, cartoon, picture</p>	<p>Single copies for teacher for research, teaching, or class preparation.</p> <p>Multiple copies (one per student per class) okay if materials are 1) adequately brief, 2) spontaneously copied, 3) in compliance with cumulative effect test.</p> <p>No more than nine instances per class per term.</p> <p>Copyright notice and attribution required.</p>	<p>United States Copyright Office, Circular 21</p>	<p>Multiple copies used again and again without permission.</p> <p>Multiple copies to create anthology.</p> <p>Multiple copies to avoid purchase of textbook or consumable materials. Copying cannot substitute for buying.</p> <p>Consumables cannot be copied.</p> <p>Do not make copies every term. Seek permission to do so.</p> <p>Copies may be made only from legally acquired originals.</p> <p>Multiple copies for more than one course in the school.</p>

Computer games	Do not copy.		Reproduction or decompilation of copyrighted computer games or code or control mechanisms of same, even for educational use, is prohibited.
Computer software (purchased or licensed)	<p>A library may lend software.</p> <p>Software may be installed at home and at school.</p> <p>Software may be installed on multiple machines.</p> <p>Software may be copied for archival use to replace lost, damaged, stolen, copies.</p> <p>Software can be distributed to users via a network.</p> <p>Librarians may make archival copies.</p>	Section 107 and 108 of Copyright Act and subsequent amendments.	<p>The number of machines being used must never exceed the number of licensed.</p> <p>The number of simultaneous users must not exceed the number of licenses.</p> <p>A network license may be required for multiple users.</p>
Fair Use Test	<p>Looks at four factors to determine if copying is permissible.</p> <p>Interpretation can only be decided upon by a court of law therefore it is advisable to stay within the Fair Use Guidelines that have been agreed upon by many parties on both sides of the copying issue.</p>	Copyright Act	<p>Four factors:</p> <ol style="list-style-type: none"> <li>1) purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational use only.</li> <li>2) the nature of the copyrighted work.</li> <li>3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole.</li> <li>4) the effect of the use upon the potential market for or value of the copyrighted work.</li> </ol>
Internet/World Wide Web connections	<p>The Internet is a 'fixed medium' that includes pictures, sounds, motion media, email, etc.</p> <p>At this time you can link to another site without permission, however as a professional courtesy, let the web master know.</p> <p>Follow the policy of any Internet site that has published its copyright policy.</p> <p>Include permission statement when you copy from an Internet site.</p> <p>Guidelines for music, poetry, databases, text, pictures etc. also apply to material copied off the Internet.</p>	<p>Fair Use Guidelines for Educational Multimedia</p> <p>Digital Millennium Copyright Act, 1998</p>	Do NOT post your multimedia project on the Internet when it includes copied items unless you have specific permission to use each copied item.

<p>Motion media --film, videotape (rented or purchased), DVD, laser discs productions</p>	<p>Teachers may use these materials in the classroom without restrictions of length, percentage or multiple use IF viewing is dedicated to face-to-face instruction in a non-profit educational institution.</p> <p>May be copied for archival purposes or to replace, lost damaged or stolen copies IF replacements are unavailable at a fair price or are available only in obsolete formats (e.g., betamax).</p>	<p>Section 110 of the Copyright Act</p>	<p>Cannot be used for entertainment or reward.</p> <p>Cannot charge a fee for showing the film.</p> <p>Incorporation or alteration into another form as embellishment for artistic purposes for other than temporary purposes prohibited.</p>
<p>Multimedia guidelines</p>	<p>Keep within the parameters allowed by copyright when including any materials (text, music, motion media, illustrations, etc) in a student production.</p> <p>Students may retain a copy of a multimedia production as part of their portfolios.</p> <p>Place notice on the first screen of every multimedia work that certain material in the presentation was utilized under the multimedia fair use exemption.</p>	<p>Fair Use Guidelines for Educational Multimedia</p>	<p>Do not make more than 2 useable copies of any type of student project. Multiple creators of a project may each have a copy. One copy can be kept for reserve status.</p> <p>Do not place any student project that includes copyrighted material on the Internet.</p> <p>Do not make alternations in portions of a copyrighted work unless the alternations support specific instructional objectives. It must be noted in the presentation that these alterations have been made.</p>
<p>Music</p> <p>Sheet music, songs, lyrics, operas, musical scores, compact disk, disk or cassette taped recordings</p>	<p>Single copy of up to 10% of a musical composition in print, sound, or multimedia form may be performed and displayed as part of an educator or student multimedia program for educational purposes.</p> <p>A single copy of a student's performance can be made for purposes of evaluation and rehearsal.</p>	<p>Fair Use Guidelines for Educational Multimedia</p>	<p>Multiple copies prohibited. Incorporation or alteration into another form as embellishment for artistic purposes for other than temporary purposes prohibited. Some authorities limit use to a maximum of 30 seconds.</p> <p>A sound recording may involve three copyrights: one for the music score, one for the recording of the music and a third for the arrangement. It is possible for the music score to be in the public domain but the arrangement to be under copyright.</p>
<p>Newspaper/ magazine article</p>	<p>Single copies for teacher for research, teaching, or class preparation.</p> <p>Multiple copies (one per student per class) okay if materials are 1) adequately brief, 2) spontaneously copied, 3) in compliance with cumulative effect test.</p> <p>Copyright notice and attribution required.</p> <p>Multiple copies of complete work of less than 2,500 words and excerpts up to 1,000 words or 10% of work, whichever is less.</p> <p>For works of 2,500-4,999 words, 500 words may be copied.</p>	<p>United States Copyright Office Circular 21</p>	<p>Multiple copies used again and again without permission</p> <p>Multiple copies to create anthology</p> <p>Multiple copies to avoid purchase of textbook or consumable materials</p>

<p>Photographs, illustrations, graphics</p>	<p>Single works may be used in their entirety but not more than 5 images by an artist or photographer.</p> <p>From a collection, not more than 15 images or 10%, whichever is less.</p>	<p>Fair Use Guidelines for Educational Multimedia</p>	<p>Older illustrations may be in the public domain, but the collection may be copyrighted.</p>
<p>Poem</p>	<p>Single copies for teacher for research, teaching, or class preparation.</p> <p>Multiple copies (one per student per class) okay if materials are 1) adequately brief, 2) spontaneously copied, 3) in compliance with cumulative effect test.</p> <p>Copyright notice and attribution required.</p> <p>No more than nine instances per class per term.</p> <p>Multiple copies allowed of complete poem up to 250 words -- no more than two printed pages.</p> <p>Multiple copies of up to 250 words from longer poems.</p>	<p>United States Copyright Office Circular 21</p>	<p>Multiple copies used again and again without permission.</p> <p>Multiple copies to create anthology.</p> <p>Multiple copies to avoid purchase of textbook or consumable materials.</p>
<p>Prose, short story, short essay, web article</p>	<p>Single copies for teacher for research, teaching, or class preparation.</p> <p>Multiple copies (one per student per class) okay if materials are 1) adequately brief, 2) spontaneously copied, 3) in compliance with cumulative effect test.</p> <p>Copyright notice and attribution required.</p> <p>Multiple copies of complete work of less than 2,500 words and excerpts up to 1,000 words or 10% of work, whichever is less .</p> <p>For works of 2,500-4,999 words, 500 words may be copied.</p>	<p>United States Copyright Office Circular 21</p>	<p>Multiple copies used again and again without permission.</p> <p>Multiple copies to create anthology.</p> <p>Multiple copies to avoid purchase of textbook or consumable materials.</p>
<p>Video for integration into multimedia projects</p> <p>Videotapes, DVD, laser discs, QuickTime movies, CD ROM</p>	<p>Students "may use portions of lawfully acquired copyrighted works in their academic multimedia."</p> <p>Proper attribution and credit must be noted for all copyrighted works included in multimedia including those prepared under fair use.</p>	<p>Fair Use Guidelines for Educational Multimedia</p>	<p>The material must be legitimately acquired (not bootleg or home recording).</p>

A work if "the existing format in which a work is stored has become obsolete"	A librarian can make up to three copies "solely for the purpose of replacement of a copy...that is damaged, deteriorating, lost or stolen."	Section 108, Copyright Act (1976) as amended by the Digital Millennium Copyright Act	The library must first determine that after "reasonable investigation that copy...cannot be obtained at a fair price" or that the format is obsolete.
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[www.techlearning.com](http://www.techlearning.com)

**For Further Information:**

**By Internet**

Circulars, announcements, regulations, other related materials, and certain copyright application forms are available from the Copyright Office website at [www.copyright.gov](http://www.copyright.gov).

To send an email communication, click on Contact Us at the bottom of the homepage.

**By Telephone**

For general information about copyright, call the Copyright Public Information Office at (202) 707 3000. Staff members are on duty from 8:30 am to 5:00 pm, Monday through Friday, Eastern Time, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and circulars you want, request them from the Forms and Publications Hotline at (202) 707-9100 24 hours a day. Leave a recorded message.

**By Regular Mail**

Write to:

Library of Congress  
 Copyright Office-COPUBS  
 101 Independence Avenue SE  
 Washington, DC 20559-6304