

# Copyright Basics

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Having a copyright means that no one can use the work without permission.

- Copyright is automatic. You do not need to put a © on it or register it.
  - Between 1976 and 1989, you did have to put © on it.
- Copyright protects expression; not ideas.
  - Originality is a requirement.
- The opposite of copyright is Public Domain
  - Once something is in the public domain, it cannot be copyright protected.
  - Collections of facts are in the public domain (phone books, lists, etc.)
- The owner of the copyright is the creator unless the work was created as a duty of an employee
  - Your employer may own the copyright to your lesson plans and web pages made for work
  - Schools usually do not enforce this
- Everything published before 1923 is in the public domain. Some other things are, but you have to check.

Fair Use Exemptions to copyright – if something is copyrighted, consider these 4 factors to determine if your use is fair:

The four factors of fair use:

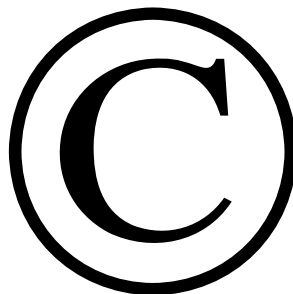
1. The purpose of the use
2. The nature of the copyrighted work
3. The amount of the work being used
4. The effect on the potential market for the work

For schools this means:

1. The work must be used in face to face instruction as an integral part of the curriculum
2. It must be used in the classroom or school library; not in a public part of the school
3. The copy used must be legally acquired (purchased, rented, or borrowed from a library)
4. The amount used must be no more than needed for the educational purpose

For public libraries this means:

1. You better have the rights or get permission
2. Exception: “performing” a book for library story times is OK



### Copyright problem examples: (discussion/answers at the end of the presentation)

1. A student writes a short story parody of *Holes* (Newbery award winning book by Luis Sachar) in which the best kids in school go to a summer camp where they are required to fill up holes left by the bad students. He gets an A on it in his creative writing class, and he wishes to submit it to a magazine for publication. Does he need permission from the publisher or the author of *Holes*?
2. A teacher makes a PowerPoint that combines parts of all her students' PowerPoint presentations that they created in class. She wishes to show this to parents at the annual open house. What does she need to do to make this happen legally?
3. A student uses a CD of music by Frank Sinatra as background music for a presentation about WWII home life. The presentation is so good that it wins an award at the History Day event at his school. His teacher wants to show it at the State Social Studies conference. Which, if any, of these uses is illegal?
4. A tired old teacher has been using the same copied magazine articles and copied excerpts from books in his Social Studies class for twenty years. At what point did she start violating copyright?
5. A teacher wants to use an article from that morning's paper as a writing prompt in her English classes. She asks Johnny Dogood, the student who is always waiting for her before the first period bell, to copy it for her in the office. Who, if anyone, violated copyright?
6. The humanities teacher went to MOMA and took digital pictures of some of the art. He creates a PowerPoint presentation for his humanities class using these pictures and comparing them to pictures of Renaissance paintings which he downloaded from the Louvre site on the Internet. Is this legal? Which parts are and which not, if any?
7. After he shows it to his class, he decides to become a consultant and take this show on the road, presenting it to thousands of people in public places. Is there a copyright violation now?
8. A teacher makes a list of web sites about chemical elements and posts it on the Internet for her students to use. Each site listed contains a short synopsis of the content and a link to the site. Is this legal?
9. A student uses popular music for background during a PowerPoint presentation and shows it in class. The teacher thinks this is a great idea, so over the summer he prepares several examples of PowerPoint presentations using popular music, which he shows to his next class. Has anyone violated copyright?
10. A community theater company would like to put on a dramatic reading of *Look Homeward Angel* with actors reading the book in front of a paying audience. Would this be a copyright violation?
11. A college student writes a paper in which he quotes extensively from one web site. He either puts the quotes in quotation marks or paraphrases. He always gives credit to the author of the web page using proper MLA format. What are his violations?