

Copyright questions

What do you know?

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Disclaimer

- I am not an attorney
- You are not receiving legal training
- This is an overview
- Copyright law moves slowly
–but case law moves quickly
- Copyright balances authors' rights and users' rights

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Question 1

There are copy machines and computers for public use in the library. What should I do to prevent patrons from copying things illegally?

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Answer #1 - In a public library

- You are expected to control your machines.
- Put the prescribed sign on the machines that says that copying is illegal– the wording is in the copyright law.
- Gross violations should be noted and the patron warned whenever possible – you do need to make a good faith effort to control violations on your machines.

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Answer #2 - In a school

- You are in charge of the students and your machines.
- Put the prescribed sign on the machines that says that copying is illegal– the wording is in the copyright law.
- Have strong school policies with consequences for students that violate copyright
- Monitor what the students are doing.

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Question 2

I have a great idea.
How can I get a copyright before someone steals it?

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Ideas cannot be copyrighted. You need to express the idea and copyright the expression of it – i.e. write it, draw it, record it. As soon as you create it, it is copyrighted. No need for © or registration.

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Question 3

What is the opposite of copyright?

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Public Domain

- Most government documents, especially federal
- Anything that the creator allows public use of – it must be stated in writing
- Anything created before 1923
- Other time periods are in the public domain, but you must research.

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Question 4

Our catalogue copies book summaries (520 field) directly from the Library of Congress cataloging. He does not give credit to LOC. Is this a violation of copyright?

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Yes, this is legal for 2 reasons.

1. Most government documents are in the Public Domain. LOC records are in the public domain.
2. LOC records are facts. Simple facts are not ideas and cannot be copyrighted when written down.

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Question 5

Our library has audiobooks on cassette. Our students do not have cassette players. We need to copy these to CD or even better to downloadable mp3 files so students can use them. Is this legal?

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Sorry – not legal. You must purchase the format you need. If a new format is not available, consider it out of print. One exception: obsolete formats. If you cannot purchase a player at a reasonable price and cannot purchase new format, you may copy. (e.g. Betamax tapes)

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Question 6

The copy machines in the library are used by teachers every morning before school to copy articles they need for class. Can they do this?

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Teachers may copy articles for immediate use in the classroom as long as:

- They use it one time
- They use a limited amount of a volume
- They copy it themselves

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Question 7

We have story times in the library almost every day. Aren't we doing a public performance of a book when we do that? So this violates copyright, true?

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This is not a violation, but only because there is an exception that allows library storytimes in the copyright law.

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Question 8

Well then, can't we "publicly perform" a film in the library? It's the same thing, isn't it?

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No. The laws for films are different than for books. It is expressly forbidden to show a movie to the public without the rights to do it.

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Question 9

The local shade tree mechanic comes in all the time and copies pages from the Chilton manuals. Isn't he violating copyright?

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No, he is not violating copyright.

- The library owns these manuals just so people can use them to find needed information.
- Photocopying books for personal use is not a violation.
- Cengage Learning specifically markets these to libraries for this purpose.

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Question 10

My students want to put popular songs in their PowerPoints and videos that they make as an assignment. I tell them as long as they give credit (annotate,) this is OK.

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Yes and no.
Students have broad rights.

They can:

- Use copyrighted works in assignments
- Keep these in their creations forever
- Share their own creations in limited educational environments (such as limited access Intranet.)

They can't:

- Sell their creations
- Put them on the Internet

Giving credit is a good idea, but is a plagiarism issue, not a copyright issue.

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Question 11

My principal copies articles from educational journals for all the teachers and puts them in school mail boxes. She says this is legal under fair use.

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Sorry, not legal

- Not even if she copies the article herself
- Not even if she uses it in a staff development session
 - Teachers are not students, so workshops for teachers do not count as face-to-face instruction.

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Question 12

I have some great lesson plans. I want to copyright them and sell them for retirement income. How do I do this?

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- Check with your district that they do not reserve rights to works created while you are an employee "Work for hire". (Usually schools don't)
- You do not have to register your copyright, but if you ever want to sue someone for violation, you do need to register it.
- Go to www.copyright.gov and follow the instructions.
- It costs \$45 to register a copyright
 - They are working on digital copyright registry.

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