How to Follow Copyright Law

Copyright Guidelines: Educators and students must have a basic understanding of copyright law to avoid plagiarism and violation of the law.

Educational institutions, staff members and students are permitted to use materials created by others if certain stipulations are met under the Fair Use Doctrine, section 107 of U.S. Copyright law. *

Here are 3 minimum guidelines you must know and practice:

1. Assume that all material is copyrighted (unless the author/creator says it is free.)
2. Use a small portion of the whole work. See "Limits on Amount Used" below.

FURTHER DETAILS

Limits on Amount Used Per Year

Text materials - single chapters; single articles from a journal issue; up to 10% or 1,000 words, whichever is less of a novel, story, play or long poem; short poems with fewer than 250 words (no limit); only three poems by one poet or five poems by different poets from an anthology; poems longer than 250 words (only three excerpts from one poet or five from works by different poets in an anthology).

Motion media - (film, video, television) - up to 10% or 3 minutes, whichever is less, of an individual program.

Music, lyrics, & music video - up to 10 % but not more than 30 seconds from a single work.

Images, Illustrations, cartoons and photographs - no more than 5 images from a single artist or photographer.

Numerical data sets -(computer databases or spreadsheets) - up to 10% or 2,500 fields or cells, whichever is less in advance before using any further excerpts from the same source.

Guidelines for Citations

To give proper credit to the author, the user must cite his/her source.
For **written reports**, students should include a list of sources used. They may pick up sample formats for citations from their classroom teachers.

For **multimedia projects**, the opening screens must contain a notice that the work contains copyrighted materials that have been used under the Fair-use Exemption of U.S. Copyright Law. A list of credits should be included on a screen at the end of the project (similar to a credits’ list in a book). This list should provide information on the source of the graphic. This might be the creator’s name or the organization with which he or she is affiliated. Information such as producer, URL and date downloaded should be added if available.

If any of the original work is used but changed to support specific educational goals, this must be clearly stated. Each student may keep one copy indefinitely. Teachers may also make an archival copy.

**Library’s Special Rights:** In addition to Fair Use, libraries are permitted (in Section 108 of the copyright law) to make copies for library users and to make **archival** (not to be circulated) copies of valuable materials that are damaged.

**Performances and Displays in the Classroom or Broadcasts:** Schools are authorized to publicly display and perform others’ works in classroom activities, and to a limited degree, in broadcasts. [Section 110 (1) & (2)].

Further Information for Teachers:

*Fair use* must be applied on a case-by-case basis, considering all of the following factors:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;

2. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

3. the effect of the use upon the potential market for or value of the copyrighted work.

**Three Questions to Ask When Using Others’ Work**

1. **Is the work protected under copyright law?** The only works not protected are works in the public domain (created before copyright laws were enacted--literary works by Shakespeare, for example), freeware (a work that an author states is available free-of-charge with no restrictions), and U.S. government works. Users must assume that all other material is copyrighted, even if copyright information is not provided on a particular web page. This applies to all Internet resources, regardless of format. If the answer is YES, the user must proceed to question 2. If the answer is NO, the user is free to use the work as long as he/she does claim that he/she has created the work).

2. **Does the user wish to exercise one of the author’s exclusive rights?** An author’s exclusive rights (rights that belong only to the author) include the right to make a copy (whether by a copy machine or printing out), electronically distribute or publish copies (via email, computer disk, video, CD-ROM, web page, or any other electronic format), publicly perform a work, or publicly display a work (including an image on a computer screen). If YES, proceed to question 3. If NO, then copyright is not an issue.
3. Does the user copy a small proportion of the whole (as stipulated below) and give credit to the author? If so, the user can claim the following exemption as stated by law. Fair Use of Copyrighted Materials (Section 107): Educational institutions, staff members and students may use materials for educational purposes if the use is limited to a small proportion of the whole and appropriate credit is given to the author. It is not fair to the author to copy his/her whole work.

Sources


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