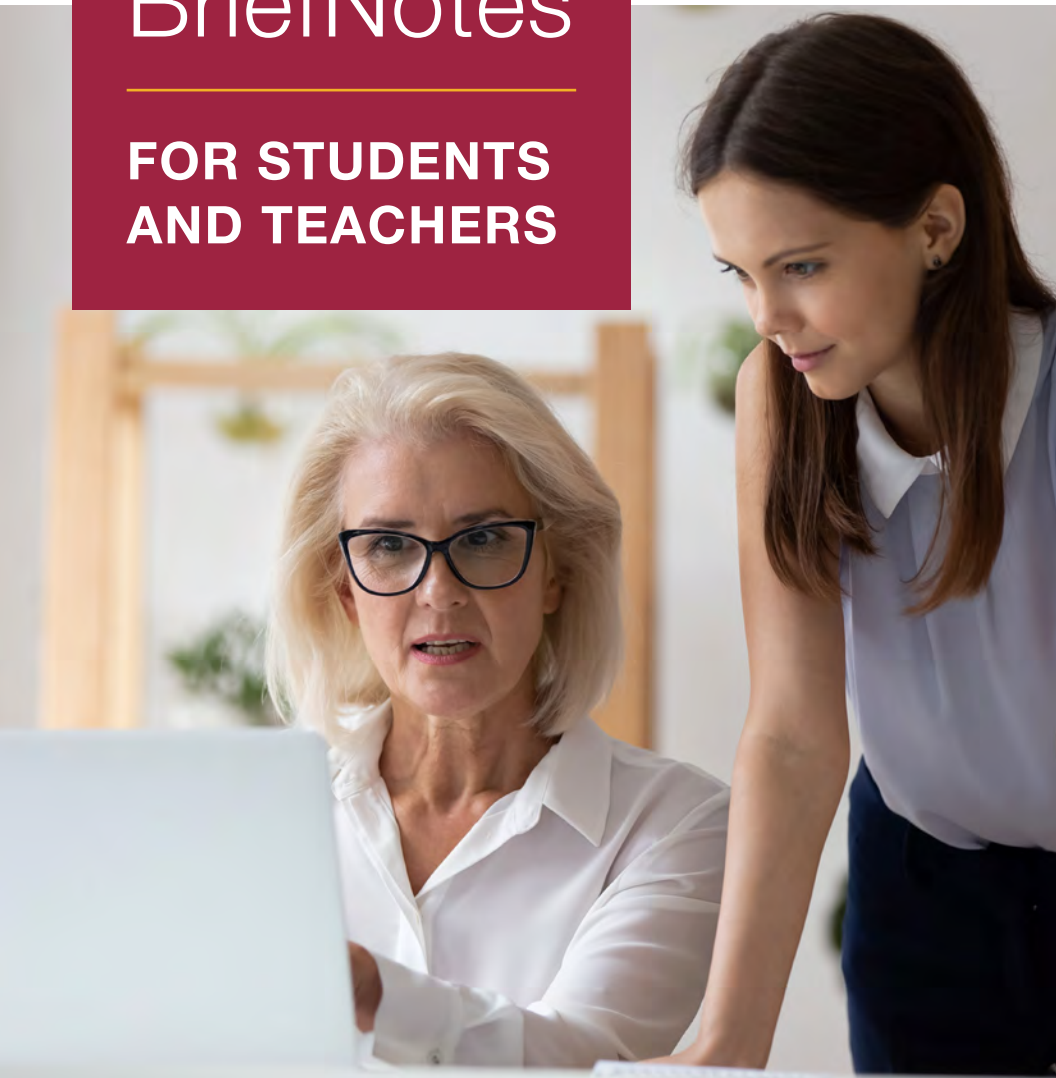




Copyright BriefNotes

**FOR STUDENTS
AND TEACHERS**



Iowa's Area
Education
Agencies

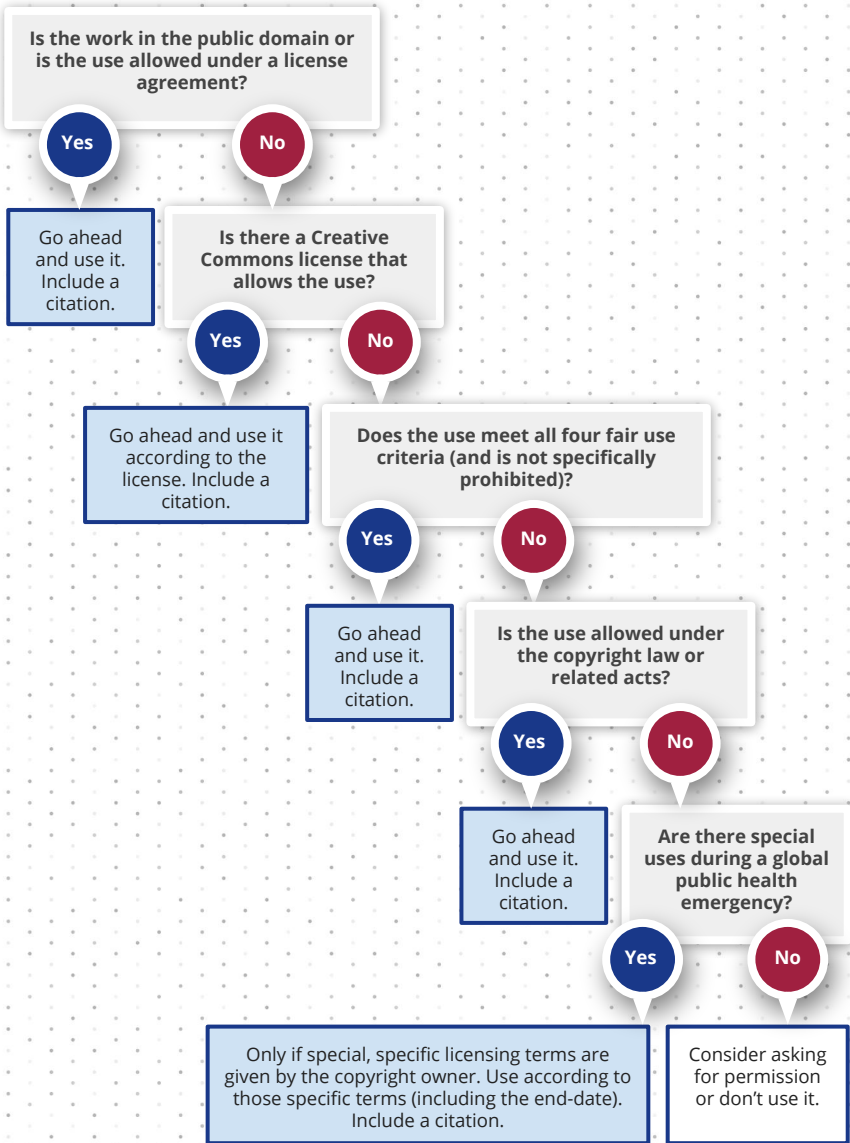


It's easy to copy a DVD or music file, scan an image, transfer digital files, photocopy, stream video, etc. Sometimes it works better to substitute the word "use" for "copy." How do you know if the use is legal? How much is too much? What are your rights and responsibilities as a user of information?

This is an overview of copyright for students and PreK-12 educators. You'll find several "think-about" sections to help you decide if copying is a good idea for these areas and more:

- Fair Use
- Web Content Creation
- Images
- Video and Continuous Learning

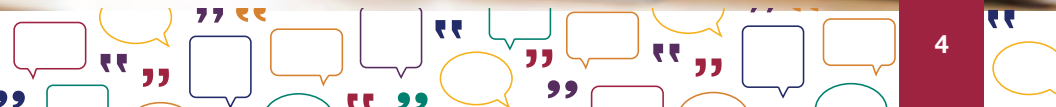
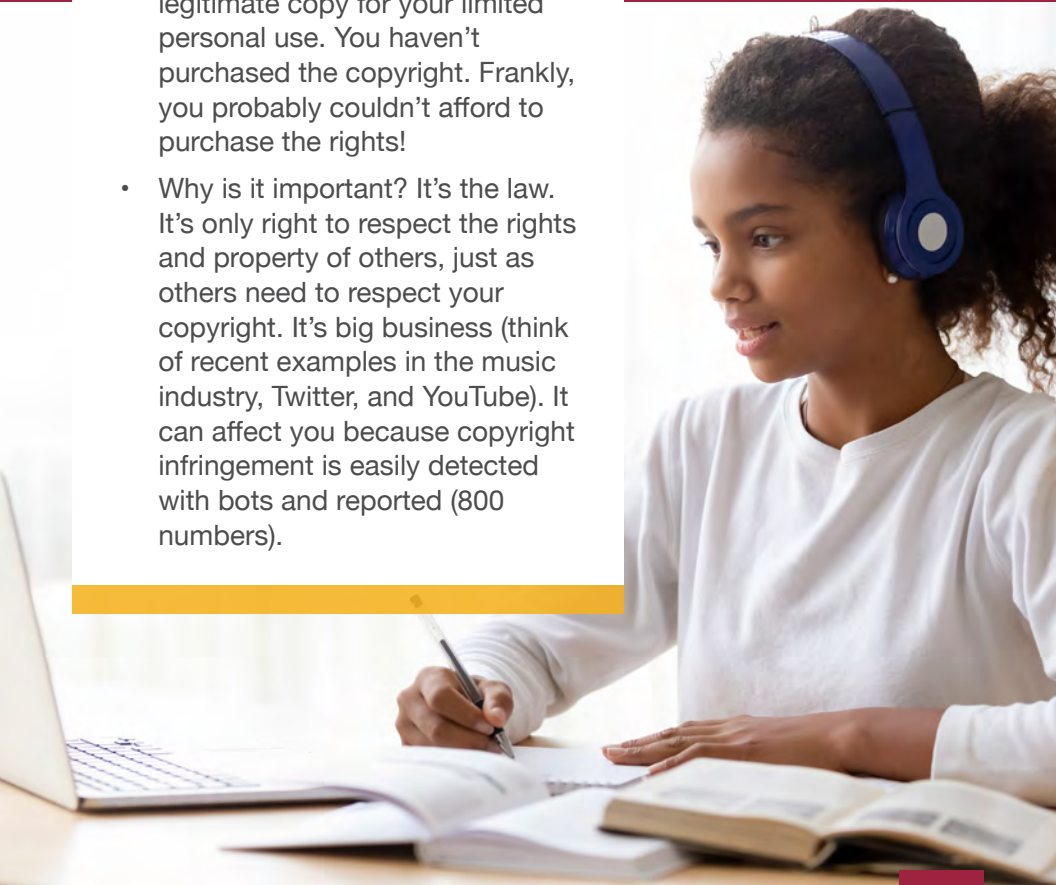
Copyright Decision Tree



What is Copyright?

Copyright law goes way back to the days of Benjamin Franklin. Any creative work is copyrighted, even if not registered with the copyright office.

- Even if a creative work doesn't have the © symbol, assume it's still copyrighted. As soon as a work is in a "tangible medium of expression," it is copyrighted.
- If you purchased a book, streaming service, video, game, sheet music, etc., you have a legitimate copy for your limited personal use. You haven't purchased the copyright. Frankly, you probably couldn't afford to purchase the rights!
- Why is it important? It's the law. It's only right to respect the rights and property of others, just as others need to respect your copyright. It's big business (think of recent examples in the music industry, Twitter, and YouTube). It can affect you because copyright infringement is easily detected with bots and reported (800 numbers).



Copyright Background

Copyright Owner's Exclusive Rights

Copyright Law gives certain exclusive rights to the copyright owner. If this was all of the law, no one could listen, read, view, share, adapt, project, or perform works.

1. **reproduce** the copyrighted work in copies or phonorecords;
2. **prepare derivative works** based upon the copyrighted work;
3. **distribute copies** or phonorecords of the copyrighted work to the public (sale, transfer of ownership, rental, lease, or lending);
4. **perform** the copyrighted work **publicly**;
5. **display** the copyrighted work **publicly**;
6. **perform** a copyrighted sound recording **publicly** by means of a **digital** audio transmission.

Fair use and educational exemptions for teaching provide the guidance for working with copyrighted works. And, that's where the balancing act begins – between copyright owner's rights and the user's rights and responsibilities when using those works.



It Starts with Fair Use

Fair use is part of the copyright law. It should be a well-thought reason for copying. Fair use is a “defense” to a claim of infringement, not an automatic excuse.

Fair use of a copyrighted work can be used for criticism, comment, news reporting, teaching, scholarship, and research. Even with these permissions, not every use in education is a fair use. If the copying is not specifically prohibited in the copyright law, it **may** be allowed under fair use.

There are no legal rules about how many words, notes, or minutes can be used, but it is fair to suggest that one should use as little as needed.

Fair use was meant to be flexible. You have to make good decisions based on a careful study of the circumstances. Use the four criteria listed below to decide if the copying is a fair use. All four of the criteria must be met.

- Purpose and character of the use (nonprofit, educational, etc.)
- Nature of the copyrighted work (factual, creative, published, etc.)
- Amount to be copied in relation to the whole
- Effect of the use upon the potential market for or value of the work

Think-about's:

Here are some basic questions to help you decide whether the copying is a fair use.

- Is it for criticism, comment, news reporting, teaching, scholarship, or research?
- Is the work copyrighted at all?
- How do you plan to use the work? Will it be public?
- Is the work covered by a license?
- Is your use prohibited in the copyright law?
- Will you need permission from the copyright holder?
- How much are you going to use?
- Is the part you want to copy central to or the “heart” of the work?
- Is this a one-time use or repeated or long-term use?
- Will you be able to clearly explain (to the superintendent) how you decided the copying was a fair use?

Is copyright the same as plagiarism? No, they are different. If you copy something and pass it off as your own without indicating the source or the fact that it's not your own, that's plagiarism. You can be in trouble even if you plagiarize something in the public domain or it's a fair use.

Creative Commons Licenses

You'll see the symbols listed below instead of the © symbol. These licenses make it clear how a work may or may not be used. It encourages people to remix, use, and share the work. More info is at [Creative Commons](#) or this [video](#). There is a [built-in search engine](#) so you can find text, music, images, video, and media.

Three general rules when using Creative Commons:

- Be aware of what the license allows.
- Ask questions.
- When in doubt, get permission.



Attribution

CC BY

Lets others distribute, remix, tweak, and build upon a work, even commercially. Must give credit to the original.



Attribution-NonCommercial

CC BY-NC

Lets others remix, tweak, and build upon a work. Must give credit to the original. Derivative works can be licensed differently.



Attribution-ShareAlike

CC BY-SA

Lets others remix, tweak, and build upon a work, even commercially. Must give credit to original and license the new work under the identical terms.



Attribution-NonCommercial-ShareAlike

CC BY-NC-SA

Lets others remix, tweak, and build upon a work. Must give credit to the original and license the new work under identical terms.



Attribution-NoDerivs

CC BY-ND

Lets others redistribute the original as long as it is unchanged and credits the original.



Attribution-NonCommercial-NoDerivs

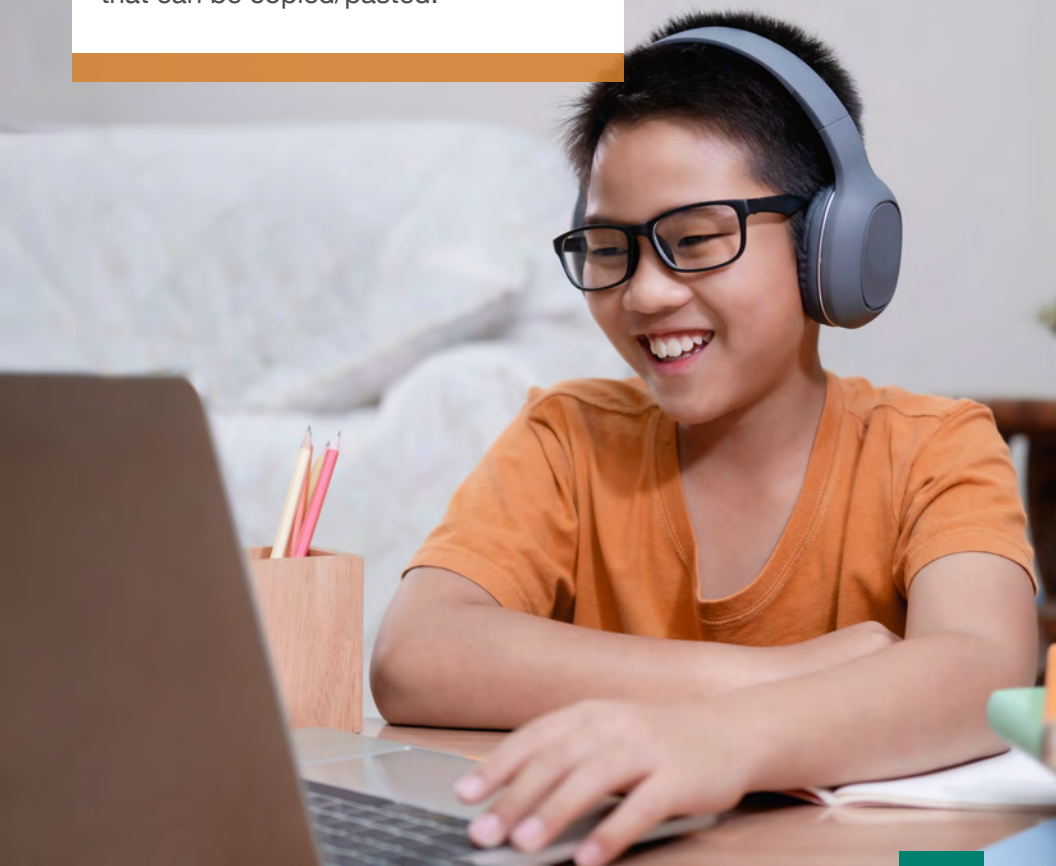
CC BY-NC-ND

Lets others download and share if they credit the original. The work can't be changed.

Planning Ahead

Bibliography and Works Cited

Along with the rights to use copyrighted material comes the responsibility of giving credit to the author. Credit the source, even if it is a fair use. Credit and copyright information can be in a separate section of a multimedia project. Check with the teacher or teacher librarian for the works cited format used in your school. AEA Scout generates citations that can be copied/pasted.



How to Request Permission to Copy

When you seek permission, always ask first if they actually own the copyright. The creator may have assigned their rights to someone else (publisher, music or video producer, photographer's employer, etc.)

Most major publishers have online permissions links. You can also request permission by email. Don't ask for blanket permission to copy. Address the request to the permissions department of the publisher/producer and include this information:

- Title, author and/or editor, and edition of material
- Exact material to be copied (amount, page numbers, URL, track, file, etc.)
- Number of copies to be made
- Use of the copy (or distribution)
- Whether the copy will be sold
- Type of copying (download, digital transfer, scan, photocopy, etc.)

Software

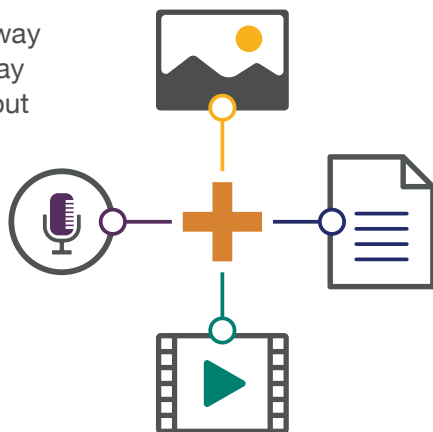
This is a summary of the Computer Software Copyright Act of 1980. Read the software license for restrictions and permissions.

- You **can** make one back-up copy of a program you own and use it if the original fails.
- You **can** adapt a program by adding content or adapting to another language.
- You **can't** sell, distribute, or transfer the adapted version.
- You **can't** make one copy for home and one for school use.
- You **can't** make a copy for a friend.



Internet and Creating Web Content

Look to the four fair use criteria and copyright law when determining what and how much can be copied. Just because information is on the Internet does not mean you have the right to use it any way you want. Some copyrighted works may have been posted to the Internet without authorization of the copyright owner.



Think-abouts:

- Assume that text, graphics, video, sound and music are copyrighted.
- Don't copy the source code, HTML, and frames codes to create your own website. They are creative works and may be copyrighted.
- Don't copy logos or trademarks and make them a hyperlink. Use the words, not the logo.
- Read the copyright statement on the web site. Some give permission to copy—like .gov sites.
- Consider asking for permission to add a URL to a website if traffic will be high (bandwidth issue).
- Avoid deep linking to a website. It bypasses the homepage that may include important information.
- Check that the information on the website was posted legally and that the web author has a right to give others permission to copy.
- File sharing or downloading files made from unlawful copies probably violates copyright law.
- Follow the guidelines for the licensed content for Iowa students and educators in the Digital Content section.
- Check if the district has a policy on school-sponsored publications. It may include guidelines for posting information on the Internet.

Remixing/Mashups/Reusing

You can use copyrighted materials to create something that's new—something that's transformed into an entirely different work. “Transformativeness” is allowed when a work has been changed (using fair use) and value has been added to the original. For example, a parody transforms the original. Here are some resources of editable media to use in school:

- **Soundzabound** audio files
- **Learn 360** is searchable by editable videos
- **Creative Commons** is searchable by media that can be shared and remixed
- **Google Advanced Image Search** can be limited to media for reuse*

If your remix will be shared with the public or uploaded to the Internet, read the restrictions for using content from the licensed online databases.

If you post to YouTube, refer to the guidelines http://www.youtube.com/t/copyright_education.

**There is a difference between free to view and free to use. Some images may be scraped off the Internet and should not be copied/reused.*

Images

When is permission required? This question applies to just about all copyright, but here are some examples related to images. Permission should be acquired for reproduction, publishing, posting, sharing, social media, adapting, modifying, etc.

Think-about:

- Always assume any image is protected. Research first.
- Look for a credit or contact info.
- Look for a watermark.
- Try a [reverse image search](#).
- Safest to link to an image
- but don't copy it or embed before you link.
- Use your own photos/ images that you created.
- Use Creative Commons licensed images within terms and conditions of license. Or use images from the digital content sources provided by
- Iowa AEA's.
- Use freely available stock images (some require a license fee).
- Use public domain. Be careful that it's not a new adaptation with a new copyright date.
- Get specific permission for the use.

Music

Be sure to follow fair use guidelines.

Peer-to-peer (P2P) has many legitimate uses. In general, using a P2P to copy commercial music and video files, without the copyright holder's permission, for personal enjoyment is likely a violation of copyright.

Posting a video with copyrighted music (even if just background music) to a public website may be a violation. Keep in mind the educational purpose, fair use, and exemptions such as parody. In addition, there are also special licenses, called mechanical licenses, that affect the use of music online and digitally. The copyright law was amended in 2018 and new rules taking effect in 2021 are being written right now.*

Use the **Soundzabound** royalty free music library licensed for Iowa K-12 schools. Permissions include:

- Synchronization with film and video
- Broadcast and podcast rights
- Rights to duplicate and sell videos in education
- Continued use for student portfolios

ASCAP, BMI and SESAC are performing rights organizations that represent lyricists and composers. They can grant licenses for the use of music in their catalogues. Others that grant licenses to use music include the recording companies that make the CDs and digital music files.

The Music Modernization Act (MMA) was recently signed into law. Additional information and guidelines on the impact on education regarding blanket licensing, easier ways to get music clearances, how to use pre-1972 works, and more will be coming.

*Look to www.copyright.gov for more details or go to <https://www.lutzker.com/?s=music> for information on the Music Modernization Act. (Legal opinion from Lutzker and Associates, June 2020.)



Digital Content Provided by Iowa's AEA's

This digital content was purchased for Iowa preK-12 students and teachers. Fair use still applies. In addition, the licenses have specific copying and usage guidelines. Ask your school teacher librarian for assistance.

Access through **AEA Scout** or through OneClick at your school or AEA's website.

AEA Digital Library

- **Can** download and use the resources.
- **Can** use images in multimedia projects.
- **Can** keep content in student and teacher portfolios.
- **Can't** post any content to the Internet.

American History in Video & PBS Learning Media

- **Can** clip videos to any length.
- **Can** use videos and images of videos in Word, Google Doc, PowerPoint, Blackboard, etc.
- **Can** put video clip or full video in a personal playlist, annotate it, and pull in additional content from the web.

Playlists can be made public, shared with just your school, or kept private.

- **Can't** post/re-use videos on

the Internet without giving full credit to the original publisher and Alexander Street Press.

- **Can't** decompile or reverse engineer the videos; modify or create a derivative work; remove, obscure, or modify copyright notices; sell, distribute, or commercially exploit the videos.
- Authorized Users are the school's currently enrolled students, employees, faculty, and staff.

BookFLIX, TrueFLIX, FreedomFLIX, ScienceFLIX

- **Can't** copy or redistribute content.

Core Concept Science

- **Can** download, print, email limited copies for personal, non-commercial use.
- **Can** use information in multimedia presentations.

- **Can** link to the homepage or article pages.
- **Can't** republish the information.
- **Can't** download in a systematic manner to create a collection of materials (print or nonprint).
- Use the proper citation form and keep/display the author image or photo information.

Culture Grams

- **Can** download or print a reasonable portion of the articles or other works under fair use.
- **Can't** systematically download materials (print or electronic) to create a collection of materials.

Encyclopedia Britannica

- **Can** copy reasonable portions for lesson plans, interactive whiteboards, reports, presentations, and school newspapers. Must keep copyright or trademark notices.
- **Can't** publish, distribute, retransmit, or sell access.

Gale

- **Can** download, display, view and print or make limited paper or electronic copies.
- **Can** electronically link to content.
- **Can** use figures, table, and brief excerpts in educational works.

ImageQuest

- **Can** use for educational purposes such as education, teaching, distance learning, private study.
- **Can't** use for commercial purposes.

Learn 360

- **Can** edit videos marked with the EDIT icon. This includes converting them to different formats or clipping.
- **Can** download and use the educational resources inside the school building, including print, video, images and audio files.
- **Can** store materials on school computers.
- **Can't** post any content to the Internet.



PowerKnowledge

- **Can** download, print, email limited copies for personal, non-commercial use.
- **Can** use information in multimedia presentations.
- **Can** link to the homepage or article pages.
- **Can't** republish the information.
- **Can't** download in a systematic manner to create a collection of materials (print or nonprint).
- Use the proper citation form and keep/display the author image or photo information.

SIRS Researcher

- **Can** make printouts (online, offline, fax, email) for school or personal use.

Soundzabound

- **Can** use music files for video production, video yearbooks; podcasting; broadcasting (including cable, closed circuit, distance learning, YouTube, TeacherTube); PowerPoint; Web design; digital storytelling;

sporting events; media and technology fairs, competitions, and exhibits; plays and theater; public performance and ambient listening; and other classroom multimedia uses.

TeachingBooks.net

- **Can't** download, save, or play Original Author Program videos or Book Reading audio files off any machine other than TeachingBooks.net server.

Teen Health & Wellness

- **Can** download, print, email limited copies for personal, non-commercial use.
- **Can** use information in multimedia presentations.
- **Can** link to the homepage or article pages.
- **Can't** republish the information.
- **Can't** download in a systematic manner to create a collection of materials (print or nonprint).
- Use the proper citation form and keep/display the author image or photo information.



Check with your AEA for other digital content resources.

More for Educators...

What we can do as educators is learn how to ask the best questions in order to find the best answer to each copyright situation.

Crash Course in Copyright for Continuous Learning

Check www.aealearningonline.org for some excellent background tutorials.



Video in the Classroom

Can you show any video (DVD or streamed) in a:

- classroom for instructional purposes?
- remote classroom for instructional purposes?
- classroom for reward or entertainment?
- school-wide assembly?
- parent meeting?
- community performance?

The answer is—it depends.

Think-about:

- Video source
- Fair use
- Educational exemptions in face-to-face teaching
- The copyright owner's reserved right for public performance
- Licensing agreements
- Delivery of the content
- Audience
- Video used in the physical classroom
- Video used in a closed virtual classroom
- Video used in an open virtual classroom (public)



Netflix, Hulu, Amazon Prime, iTunes, and Other Streaming Services

Read the license agreement and Terms of Use. Your subscription for personal use may not allow use for all programs in the classroom. Generally, streaming services have not provided licenses to educational institutions. There are exceptions. Some **Netflix Original educational documentaries** are available for one-time educational screenings.

Some streaming services will grant permission (for instruction, not entertainment) if you ask.



Movie Licensing

Movie (or umbrella) licensing is an option when you want to show a video that is:

- not for instructional purposes
- not licensed for any use beyond personal use in the home
- not meeting fair use guidelines
- not limited to just students in a classroom (i.e. shown in public, even if no admission fee).
- The major movie licensing organizations are Movie Licensing USA (Swank), Motion Picture Licensing Corporation, and Disney Studio Licensing.



Video and Continuous Learning – TEACH Act

Teachers can look for guidance in fair use. The TEACH Act is meant to help make decisions with “online performances and displays for distance learning.” This is beyond the educational exemptions provided to teachers in face-to-face teaching situations. Think of virtual learning two ways: learning on a closed system specific to your students, and an open system (YouTube). **A key concept is mediated instruction.** Basically, lawfully acquired materials can be used in distance learning just like they are used in the classroom, but there must be an instructor who controls and monitors the content.

- It is not an infringement to make an instructional performance or display to a closed group of students online (assuming you are using a lawfully made copy) of most works. Special limits apply to motion pictures (“reasonable and limited portions”) designed for a classroom use.
- The TEACH Act provides a different approach for distance education. In an online environment, the Act allows for use of **clips** of a film in “reasonable limited portions.” For instance, you could show entire movies in 30-minute increments over the course of five consecutive **distance learning class periods**.
- Works created specially for mediated instructions are outside the scope of the TEACH Act.
- Don’t mess with the technology protections in place with the materials.
- Your district may have put additional restrictions in place.

(Legal opinion from Lutzker and Associates, June 2020.)

Think-about:

- Are you posting a presentation on the open web that includes video that would meet the educational exemption in a face-to-face teaching situation, but would violate copyright if displayed on the web?
- Are you making a copy or streaming video?
- Are you using a lawful/legitimate copy?
- If posting to the open web, do you have the rights to make that public performance?
- Additional information on the TEACH Act is at <http://www.lutzker.com>

Digital Millennium Copyright Act (DMCA)

The DMCA permits you to store an entire film so that students may access it remotely, provided you remove the content at the end of the semester (or a later date, depending on the circumstances).

(Legal opinion from Lutzker and Associates, June 2020.)

YouTube

Go to the source to find the best information.

- Copyright FAQ
http://www.youtube.com/t/copyright_faq
- Copyright Permissions
http://www.youtube.com/t/copyright_permissions
- Copyright Education
http://www.youtube.com/t/copyright_education



Video: Zoom, WebEx, and Similar Services

There have been some technical questions about encryption and digital signals when showing a video with some of these services. Guidance for showing video remotely is provided in the TEACH Act, DMCA, and fair use sections.

When you stream movies through Zoom, some of the programs that rip DVDs will decrypt the digital signal with an illicit key. If you are using a licensed DVD player program that simply reads your drive, you are not circumventing encryption if you share your screen. More than likely this will be a showing in a closed classroom (and by extension a password-protected distance learning environment) in which the video footage is directly related to class content.

From a technical standpoint, Zoom was designed for business purposes, so other similar services may detect a “token” and disable the feed. Furthermore, Zoom expressly states in its Privacy Policy that it pulls user data to detect any infringing activity, which is prohibited in its Acceptable Use Policy.

WebEx provides information on its website regarding supported file types and how to share videos, but it does not provide guidance on sharing full videos. Go to <https://help.webex.com>.

GoToMeeting’s company, LogMeIn, has a relevant **DMCA notice** that allows copyright owners to notify them with a takedown notice if they suspect inappropriate use.

(Legal opinion from Lutzker and Associates, June 2020.)

Sharing on Social Platforms

TikTok and some other social media platforms include their own music library to use in making videos. Using pre-cleared music ensures that the videos will not be subject to copyright infringement claims or takedown notices. Platforms are not interchangeable. Sharing those videos across platforms (i.e., from TikTok to YouTube, Fortnite, Roblox) can create problems. There are different music licensing terms and conditions for each platform, so it may be a copyright infringement to transfer between platforms. Consider using [Soundzabound.com](https://www.soundzabound.com) that has been licensed for K-12 schools by Iowa's AEA's.

Social Platforms and Safety

Posting videos with student names, faces, home addresses and even the name of the school can expose private facts about the individual and this data needs to be protected. When using a platform for video school assignments, teach and model safe Internet practices.

- Require protective measures such as making links private.
- Do not include student names or other personally identifiable information.
- Seek family permission and communicate what platform the student will be using.
- Consider private links or password requirements for livestream events.
- Be aware of the platform's community standards for content before uploading.

Source: AIME News, vol. 36, #4.





This is a summary of the U.S. copyright law (Title 17) and copyright guidelines. This document does not constitute legal opinion (except where annotated). It is intended to be a general discussion and not a definitive analysis of copyright.



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Education
Agencies**

**CONTACT: [iowaaea.org/contact](https://www.iowaaea.org/contact)
www.iowaaea.org**

Iowa's Area Education Agencies work as partners with children, families, and educators to ensure equitable, efficient, and effective educational services that prepare all Iowa children for a life well-lived.