

INTELLECTUAL PROPERTY RIGHTS

A Resource for Librarians and Teachers

Created by

Debra Miura • School Library Media Specialist • Waipahu Intermediate School
Kerri-lynn Slavens • School Technology Library Media Specialist • Waipahu Intermediate School
Lori-Ann Tsang • Technology Coordinator • Waipahu Intermediate School
Debora Lum • School Library Media Specialist • Waikele Elementary School
ATR • Department of Education • State of Hawaii

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For questions or comments contact Donna Shiroma at Advanced Technology Research

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Introduction

Why *do* we need to understand copyright?

- Our students are beginning to publish on the Internet which presents new copyright issues.
- DOE standards require schools to teach children the ethical use of technology and information:

Educational Technology Content Standards: Social, Ethical and Human Issues

Language Arts Content Standard: Writing Conventions and Skills (beginning with grades 4-5, children should be including bibliographies in their research projects)

- It's the law and copyright laws are constantly changing!

Not all copyrights are the same

At one time a guideline of what was allowable to copy under "fair use" was as follows:

- A chapter from a book (never the entire book).
- An article from a periodical or newspaper.
- A short story, essay, or poem. One work is the norm whether it comes from an individual work or an anthology.
- A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.
- Poetry

Multiple copies of a poem of 250 words or less that exist on two pages or less or 250 words from a longer poem.

Multiple copies of an article, story or essay that are 2,500 words or less of excerpts up to 1,000 words or 10 percent of the total work, whichever is less. (Carolus, Copyright in a Nutshell)

Digital age brings changes

Teachers' and students' projects are no longer limited to written reports and/or display boards shared in a classroom or during competitions to a limited audience for a limited time. The digital age has made it possible for people to share their learning electronically, with greater accessibility to a wider audience.

The purpose of this manual is to bring an awareness to teachers and students of how to avoid infringing on the intellectual property of others when publishing on the internet. This is not intended to provide its audience with legal advice.

DISCLAIMER: This manual was created by a team of school library media specialists and a technology coordinator. To the best of their knowledge, the information is correct and up-to-date. Copyright laws and the circumstances surrounding the use of copyrighted materials can be difficult to interpret, however, the information in this document should not be construed as legal advice. The information provided is not intended to be a complete coverage of the laws governing intellectual property rights, but is meant to be a guide for librarians and teachers to make informed decisions.

Internet

The Internet has opened up not only a world of knowledge to students and educators but has also raised new concerns on Intellectual Property rights.

Janice R. Walker explains the difference between the traditional research paper and one that is posted on the internet in the following paragraphs:

If It's on the WWW, It's Published!

When you make documents and graphics available on the World Wide Web, you are publishing them. In the traditional classroom, students produce papers for an audience of one-the teacher. This, of course, sometimes makes for some very badly written papers. But students are usually free to include graphics, pictures, quotations, and paraphrases from other sources without permission or payment of royalties, provided, of course, the sources are properly cited.

The WWW has changed this, however, when you publish your work on the World Wide Web, it is immediately available to anyone in the world who has access. Since the basis of copyright law in this country is an economic one-intellectual property is considered to have economic value-publication of someone else's work, even with proper credit, can affect the economic value of that work. Why would someone pay to buy a book if they can read it on the Internet for free? (Permission: Janice R. Walker. <http://www.cas.usf.edu/english/walker/papers/copyright/ipdummie.html#guidelines>)

Hawaii State Department of Education
Internet Guidelines

What does the DOE recognize as having copyrights on the Internet? As part of it's

Acceptable Use Policy and Guidelines, the following is described :

- E-mail falls under copyright protection - e-mail messages should not be posted to discussion groups and the like without the permission of the author.
- Material accessed through the Internet may include copyrighted as well as public domain information. Downloading works that are posted without the permission of the copyright holder may put the user in violation of the copyright law.

Hawaii's DOE acceptable use guidelines can be found at <<http://www.k12.hi.us/~atr/policy2000/>>.

Educational Projects Posted on the Web

Los Angeles Unified School District provides a more cautious guideline, as shown in the following circulated bulletin regarding web published projects:

- Works posted on the Web are no longer covered by Fair Use guidelines: permission must be obtained for use of any copyrighted material.
- Duplicating a portion of a World Wide Web site for use in another web site is prohibited without permission of the author.
- Before creating a link to another web site, it is courteous to request permission from that site's owner.
- When creating a World Wide Web site for school or personal use, images/pictures or text that have a copyright may not be used without the permission of the copyright owner. (Permission: Diana Liston. <http://www.lausd.k12.ca.us/homepage/news/update/copyright/>)

Graphics

Graphics can be found in forms that include illustrations, charts, tables, maps, photographs, fonts, and borders. These visual enhancements can be accessed from resources such as clip-art books, rubber stamps, floppy disks, CD-ROMs, websites, archives, and the Library of Congress.

Besides “cutting and pasting,” graphics are sometimes photo copied, scanned, downloaded, imported, or linked. How much of it is done legally depends on the “terms of use” provided by the copyright owner.

Read the “terms of use” or “license agreement”

Some copyright owners are more lenient than others. For instance, Classroom Clipart allows its images to be used by schools and students for webpages, multimedia, video, and print projects for a variety of educational purposes. (Classroom Clipart, “Terms of USE - Copyright Information”)

On the other hand, Iowa State University (ISU) Entomology Image Gallery allows students to link to their images rather than copying and pasting it. (Iowa State University Department of Entomology, “Iowa State University Entomology: Image Usage Policy”)

Even more restrictive is Disney’s “terms of use” policy which states that their graphics, images, etc. may not be used on any website. (“Restrictions on Use of Materials”)

Check with the editors

Many of our island news sources have their own websites with articles, photographs, videoclips, and transcripts on native plants and animals, as well as, local history and issues.

The Honolulu Advertiser’s photographs or anything in print can be used on the Internet by students provided credit is given to the *Advertiser*. If students prefer linking to their website, permission must be granted from webmaster Sandy Oshiro at 525-8078. (Kelly, Phone interview)

The Star Bulletin, however, allows students a one time use for a nonprofit, in-house newsletter, display boards or written report using a conventional citation format. Internet projects, however, may not post photographs or text. Instead they may link to the image and /or text , crediting *The Star Bulletin* and date. Unlike the *Advertiser*, permission for linking is not necessary. (Bridgewater, Phone interview)

Repositories are not public domain

Although government publications fall under public domain, websites with “.gov” do not. An example of this is The Library of Congress <<http://www.loc.gov>>. Materials are displayed on this website for their educational value, but donors or copyright owners may restrict public use.

Before using these resources, users are asked to check for possible donor restrictions, privacy and publicity rights, licensing, trademarks, and copyright restrictions. (Library of Congress, “American Memory, Copyright, and Other Restrictions”)

Likewise, The Hawaii State Archive contains a vast wealth of image resources which are not necessarily public domain. Prior to putting it on a website, users are advised to research the copyright background of the image(s).

You can’t disguise it

People have tried to get around copyrights by modifying the original work. For

text it might have been rearranging and / or changing a few words. With illustrations it might have been adding accessories, changing colors, or some other slight detail alteration. These changes, however, violate copyright owners' rights to modify their intellectual property.

Not sure?

If there is doubt as to whether the useage falls under fair use or requires permission, contact the copyright owner. Requests should include a contact person,

purpose for the use, how it will be used, and how long it will be used. This can be done with a letter, email, or fax. At some websites, a template is provided for the request.

When submitting requests, do not assume that the author or creator owns the copyright. Sometimes the rights may be owned by the publisher. There are a variety of resources available to help locate copyright owners.

Software Licenses

The 1976 U.S. Copyright Act and its 1980 Amendments remain vague in some areas of software use and its application to education. Software licenses, however, tend to be more specific. It is imperative that educators read the software's copyright page and understand the licensing restrictions printed there.

Shareware

Authors of shareware programs don't charge for the initial software. They generally ask for a donation or registration fee if a user likes the program and plans to use it.

Upon payment, the user will usually receive printed documentation and notice of updates or enhancements.

A copyright is in effect when an author first creates or distributes a document. The

author determines the type and extent of copyright restriction. But most programs will continue to display a welcome screen announcing that the software is copyrighted by the author and can be freely distributed but not sold.

Freeware

Freeware is software that can be freely used and distributed. The author retains the copyright, but strongly advocates freely copying and distributing the program at no cost.

More information on using software licenses is available in *Copyrights and Responsibilities: A Guide to Developing School District Copyright and Acceptable Use Policies for the Information Age*.

Motion Media

Motion Media Guidelines

- Personally created educational multimedia projects may not be used over electronic networks that are not secure without obtaining permissions for all copyrighted works incorporated in the program.

- Individual permissions (licenses) must be obtained before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.

Guidelines for Use of Videotapes and DVDs

- Copyright policies must be followed- videos and DVDs must be shown as part of a systematic course of instruction in face-to-face teaching activities and not for recreational, entertainment, or fundraising purposes without a public performance license.

Satellite and Distance Learning

- There is no fair use coverage beyond the school building; all transmission is covered by public performance rules even though transmitted to classrooms in another location.

Music

Music recordings for projects

Music for websites - all music is copyrighted unless stated as "copyright free". Make sure you get permission before using music on your website.

Organizations that can help you get permission

The following organizations require a small fee:

ASCAP: American Society of Composers, Authors and Publishers
<http://www.ascap.com/>

BMI: Broadcast Music, Inc.
<http://www.bmi.com>

CCC: Copyright Clearinghouse Center: Republication Licensing Service <http://www.copyright.com>

For other guidelines for use of music in multimedia projects, see the guidelines listed under Motion Media

Music copyright and the internet

- Even though there is a large amount of "free" music on the internet, this music is

really not free.

- Downloading music off the internet is a copyright infringement. You have not obtained permission to copy the music from the owner of the copyright and you are in violation of the copyright law.
- A common misconception is to think, "Since I'm not selling the copies then I am not breaking the law." By downloading copies, you have chosen not to purchase the music yourself and are therefore illegally taking profit away from the copyright owner.

Myths about Music and the Internet can be found at <http://www.its.caltech.edu/its/help/policies/riaa/myths.shtml>.

Penalties for infringement

- You may pay damages from \$750 to \$30,000 if you are found guilty of breaking copyright laws; up to \$150,000 if the court finds willfulness.
- If you willfully broke copyright for commercial advantage and private financial gain, fines up to \$250,000 and/or five years imprisonment may be assessed.

Patent

Guidelines for patent use

The patent law in the United States protects internet-related inventions. This would protect things like data compression tech-

niques, interfaces, networking methods and information processing techniques.

There are two types of patents:

- Design Patents cover ornamental designs.

To qualify for a design patent, a design must be new, original, and ornamental. This patent is not suitable for internet-related processes.

- Utility Patents cover inventions. To qualify for a utility patent the invention must

be new, useful and "nonobvious."

For more information on applying for a patent and avoiding infringement see the U.S. Patent and Trademark Office website at <http://www.uspto.gov/main/patents.htm>

Trademark

Trademarks that are protected include names, symbols or devices that distinguish the owner's goods or services from that of others.

Some example of words used as trademarks are Fuji, Canon, Kodak for cameras and other goods.

A common trademark violation occurs when using a search engine image on your website. If you wanted to include a Google

or Yahoo search engine on your website, you must ask for permission. Most search engine sites have forms that you can print and send or fax that ask for permission to use their trademark on you site.

For more information on applying for a trademark and avoiding infringement see the U.S. Patent and Trademark Office website at <http://www.uspto.gov/main/trademarks.htm>

Citations and Bibliographies

Many style manuals for citations and bibliographies are available in print and online. Updated versions of these manuals include entries for electronic sources. Unfortunately, resources for citing and formatting bibliographies for electronic publishing are sparse.

What does an entry look like?

Common sense would dictate that we follow the available print styles and formats for the electronic "page." The Internet "page," however, has more flexibility than the printed page and reaches a wider audience which brings up new concerns which include the following:

1. In a printed format, pages are customarily 11 inches long. Getting to the footnote or checking the end of a chapter for citations is not a major problem. Pages in an electronic document are seamless so a viewer may need to scroll down more than 11 inches

before coming to the "end". Scrolling back to continue reading could be another challenge.

2. Information on a website is often non-linear. Therefore, a credits page that lists resources numerically rather than alphabetically can be confusing for the visitor.

3. With internet publishing, students need to list permissions from copyright owners. Not many of us are familiar with a style and format to do so.

4. How do you hyphenate a URL that is too long to fit on a line?

As a whole, most webpages follow a popular style guide, such as, MLA, APA, or Chicago, for their citations and bibliographies. Some websites like Fact Monster and InfoPlease, to name a few, provide directions for citations. The "Teacher's Guide" for Yahoooligans provides modified styles for various grades, starting with a very basic, minimal entry for kindergartners and first

graders.

For images, a statement that identifies the copyright owner should be provided on the bottom or the side of the graphic. If the source is a website, the URL should also be provided.

The ThinkQuest website provides students with friendly explanations, samples, and templates. On their "Paraphrasing Methods and Credit Notice" page at <http://www.thinkquest.org/resources/paracredit.html> a demonstration of how to use someone else's words and ways to cite the owner is provided.

Footnotes, endnotes, is there another choice?

Besides the three methods suggested by ThinkQuest on its "Paraphrasing Methods and Credit Notice" webpage, web authors could use a superscript number which acts as a direct link to its entry on a "Works Cited" page.

How do you acknowledge the permissions?

University of Washington's (UW) Trio ThinkQuest provides a detailed website on

permissions, specific guidelines and samples showing how to handle citations for images. According to this site, after receiving permission for use, students should use the phrase "Image courtesy of [name of person granting permission]" . If the graphic comes from a website, the URL should follow this statement.

Students creating original graphics should credit themselves near their image, as well as, on the "Permissions" page.

An example of an attribution next to a graphic and a sample entry on a "Permissions" page are provided at UW's "Citing Permissions" at <http://depts.washington.edu/trio/comp/howto/pieces/writing/citing.shtml>.

It's the end of the line, but there's more to the URL

Like those long words that won't fit in the available space on our paper, URLs cannot be chopped off when we run out of space. The appropriate place to divide a URL is after a slash (/) which also acts as a hyphen. This works well for projects in print format, unfortunately links won't work when following this convention for projects posted on the internet.

APPENDIX A

Copyright in a Nutshell

What is it?

As a concept, copyright is very simple: it occurs when you put words on paper, transmit words via email, record your own music, write computer software, or create images. Once you do any of these, your work is protected by copyright. If someone else wants to use it, they must get permission from you. If they use the material without your permission - it's copyright infringement. It's that simple.

A more formal way of presenting this concept is to say that copyrighted material includes almost all forms of original expression fixed in a tangible medium. Once it is fixed in this tangible medium (you cannot copyright a thought or daydream) it enjoys legal protections even if no formal copyright notice is filed or attached.

Copyright infringement is any reproduction, display or distribution of copyrighted (protected) material without permission of the copyright owner.

Am I always required to seek permission?

Yes, UNLESS the intended use of the protected material meets the four criteria collectively known as Fair Use.

What is Fair Use?

Fair Use is a set of four guidelines used to determine if your use of the work will diminish its value and adversely affect the owner of the work's copyright. The four guidelines are:

1. What is the nature of the use?
 2. What is the nature of the work to be used?
 3. How much of the work will be used?
 4. What effect would the intended use have on the market value of the work?
1. Are you going to sell the work and deprive the copyright owner of the revenue? Are you going to give the work away for free and undercut its market value? Are you going to use a portion of the work as an example or to support an argument in a scholarly paper, or in a review?

The first two examples are obviously not Fair Use and would constitute copyright infringement.

2. Is the work a book, an image, a musical recording?

The nature of the work has bearing on the third point, how much of the work will be used. If you are dealing with a book and you want to quote several paragraphs in a paper or review, that would probably be considered Fair Use. If the work was a one panel comic, it would be very difficult to use a portion of the work in any meaningful way. It would depend on the other three criteria.

3. Reproducing an entire image without the copyright owner's permission on your web page would be considered infringement. Reproducing the same image in its entirety as a slide for a presentation during class would be considered Fair Use. Reproducing a detail of an image might be considered Fair Use, depending on the other circumstances.
 4. Putting that same image on a CD and distributing it to your class would be infringement. The other three criteria come into play. Whereas, the example of using the image as a slide in class is Fair Use, reproducing the image and actually distributing it in a tangible form that allows for further reproduction (in digital form) would be infringement.
-

MP3s: Street Legal?

Creating a compilation of songs from CDs and converting them to MP3 files does not in and of itself constitute infringement. Infringement does occur when you facilitate the distribution of those files because of the negative impact you have on the market value of the work and the harm done to the copyright owners (who are often the authors of the work).

□

Strict Liability

Copyright is a strict liability offense. Under the federal copyright statutes, neither intent nor knowledge of infringement is necessary to hold a person liable. In practical terms that means that you cannot plead ignorance to escape liability. And the liability can be serious. Sound recording copyright infringements can be punishable by up to five years in prison and \$250,000 in fines.

Permission from Becky Carolus.

APPENDIX B

Citing Internet Sources

Electronic Mail (Email)

Structure

Author of email message. Subject line of the message. [Online] Available email:

Student@address.edu from Author@address.edu, date of document or download.

Examples

McLain, Deborah. Nile River Research Project results. [Online] Available email: student5@smallvillehigh.edu from ert@informns.k12.mn.us, September 25, 1996.

Soja, Julie. Hubble Space Telescope image enhancement techniques. [Online] Available email: student2@exeter.high.edu from btaylor@hst.nasa.gov, January 23, 1997.

Gopher

Structure

Author. Title of gopher item. [Online] Available gopher: // address/path, date of document or download.

Examples

Kinyon, John. India: A Country in Transition. [Online] Available gopher: // gopher.india.gov:70/11/papers/trans, October 5, 1996.

Reynolds, Robert. Bosnia: A Country in Transition. [Online] Available gopher: // nywer.net/Today's_News/World News/Bosnia-Herzegovina, February 5, 1996.

File Transfer Protocol (ftp)

Structure

Author. Title of item. [Online] Available ftp: address, path/ filename, date of document or download.

Example

McLain, Todd. Shakespeare and his Muse. [Online] Available ftp: // ftp.guten.net/bard/muse.txt, October 1, 1996.

Telnet

Structure

Author. Title of item. [Online] Available telnet: // address, path, date of document or

download.

Examples

Bradley, Bill. Map of Iraqi Troop Movements for 1/9/96. [Online] Available telnet://fedworld.gov, Government Information/CIA/Maps/Latest Maps/Iraq, November 10, 1997.

Jackson, Rem. Statistical Weather Data for Ohio, January 1996. [Online] Available telnet://weather.machine.umich.edu, Weather Data/January 1996/States/Zooms/Ohio, February 25, 1997.

World Wide Web (WWW)

Structure

Author. Title of item. [Online] Available <http://address/filename>, date of document or download.

Examples

DiStefano, Vince. Guidelines for better writing. [Online] Available <http://www.usa.net/~vinced/home/better-writing.html>, January 9, 1996.

Yule, James. The Cold War Revisited: A Splintered Germany. [Online] Available <http://usa.coldwar.server.gov/index/cold.war/countries/former.soviet.block/G/germany.html>, November 5, 1996.

Usenet Newsgroups

Structure

Author. Title of item. [Online] Available news://group, date of document or download.

Examples

Brown, David. Educational Insights 1995. [Online] Available news://k12.ed.research, December 27, 1996.

Madige, Ellen. How to Build a Better Mousetrap. [Online] Available news://sci.tech.inventions.mousetrap, January 16, 1997.

Internet Relay Chat (IRC)

Structure

Name of online speaker. [Online] Available IRC: telnet (site address), IRC channel name, date of session.

Examples

McBane, Lisa. [Online] Available IRC: telnet world.sensemedia.net:6677, #egypt, March 8, 1996.

Frappe, Francois. [Online] Available IRC: telnet france.irc.edu:1234, #france, January 23, 1996.

Online Images

Structure

Description or title of image. [Online Image] Available <http://address/filename>, date of document or download.

Example

Hubble Space Telescope release in the Space Shuttle's Payload Bay. [Online Image] Available <http://explorer.arc.nasa.gov/pub/SPACE/GIF/s31-04-015.gif>, October 1, 1996.

Online Sounds

Structure

Description or title of sound. [Online Sound] Available <http://address/filename>, date of document or download.

Example

Reflections on Apollo. [Online Sound] Available http://town.hall.org/radio/IMS/NASA/100394_nasa_01_ITR.au, September 25, 1996.

Online Video Clips

Structure

Description or title of video clip. [Online Video Clip] Available <http://address/filename>, date of document or download.

Example

Shoemaker-Levy Comet enters Jupiter's atmosphere and breaks up. [Online Video Clip] Available <http://ftp.cribx1.u-bordeaux.fr/astro/anim/sl9/breakingup.mpg>, March 5, 1996.

Web Sites About Citations

This Web site offers more information about citing electronic sources.

MLA Citation Guide

URL: <http://www.cas.usf.edu/english/walker/mla.html>

Permission from Christine Hofer Borrer

APPENDIX C

Lesson Resources

- Targeted for 8th grade students, this site sponsored by the US Department of Education offers an example of a copyright lesson: <http://www.cyberbee.com/copyrt.html>.
- These sites provides basic, easy to understand information on copyright that students may link to:
<http://www.ala.org/ICONN/issues2.html>
<http://depts.washington.edu/trio/train/howto/pieces/writing/mla.shtml>.
- This ThinkQuest site, a junior entry, provides information on copyright and trademarks, as well as sample request letters: <http://library.thinkquest.org/J001570/SiteMap.html>
- This ThinkQuest Library includes entries from high school students on issues such as computer ethics and altered images, search for such sites at: <http://library.thinkquest.org/library.html>.
- The Learning Page offers citation information on electronic sources and copyright classroom examples:
<http://memory.loc.gov/ammemndlpedu/resources/cite/index.html>
<http://memory.loc.gov/ammemndlpedu/resources/cpyrt/index.html>

Glossary

copyright: Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of the copyright the exclusive right to do and to authorize others to do the following:

- To reproduce the work in copies or phonorecords;
- To prepare derivative works based upon the work;
- To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audio visual works;

To display the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work;

In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

More information on "copyright" is available at the following website:

United States Copyright Office - Library of Congress. <http://www.copyright.gov>. 14 June 2002.

fair use: a legal principle that defines the

limitations on the exclusive rights of copyright holders. "Copyright in a Nutshell" provides guidance to educators and students who develop multimedia projects by describing the circumstances by which they can use copyrighted material for non-commercial, educational use without having to seek permission.

A. Four Fair Use Factors: (For a more thorough explanation of these particular guidelines, see the numbered section of the unabridged document.)

1) What is the purpose and character of use?

a) If the project is made for nonprofit educational purposes, use of copyrighted material tends to be considered fair use. 1.3

b) Commercial (for profit) use does not fall under fair use. Permission must be obtained. 5.1

2) What is the nature of the copyrighted work?

a) Use of factual information would very likely fall under fair use.

b) The more a work tends toward artistic/original expression, the less likely it is to fall under fair use.

3) What is the amount and substantiality of the portion used?

a) The larger the portion you use, the less likely it will be considered fair use. 4.2.1 - 4.2.5

b) Using a portion that involves the "heart" or "essence" of a work is also less likely to be considered fair use.

c) Although a picture is considered a whole work unto itself, it can be used in a multimedia project. No more than 5 pictures or photographs from a single artist or photographer

may be used, however. 4.2.4

4) What is the possible effect of use on the potential market for the copyrighted material?

a) The more the new work differs from the original, (basically the more original work that is incorporated), the more likely it will be considered fair use.

b) Does the new work appeal to the same audience? If it does, this may not fall under fair use.

B. To ask or not to ask, that is the question.

1) Student Assignment

a) Fair Use guidelines allow for the use of portions of copyrighted material in educational multimedia assignments without obtaining permission from the copyright holders. 1.1 & 2.1

b) Be sure to credit all sources of copyrighted material in your bibliography. This information may be shown in a separate section (i.e. the credits). 6.2

i) This applies to all works with the exception of pictures and photographs. 4.2.4

ii) For pictures or photographs, it is recommended that the copyright notice and name of the creator be incorporated in the image. Putting this information directly below the picture is acceptable. 6.2

c) State that all copyrighted material in your project is being used under the fair use exemption of the US Copyright Law and have been prepared according to the multimedia fair use guidelines and are restricted from further use. This statement must be included on the opening screen of the multimedia project and on any accompanying print media. 1.1 & 6.2

2) Use for Classroom Instruction Only 3.2.1

a) Good for one course at one school for two years. 4.1

i) After this time period has elapsed, obtain permission from the copyright holders for further use. 4.1

b) Needs to be presented over a secure network to prevent any duplication of copyrighted material. 3.2.3

i) Restricted access with either a password or PIN number. 3.2.3

ii) If the network cannot prevent duplication of copyrighted material, the multimedia project can only be used over an otherwise secure network for 15 days after its initial use. After this time period a copy of the multimedia project may be placed on reserve in a library or learning resource center for on-site use by students enrolled in the course. Students must be advised not to make copies of the project. 3.2.3

3) Public Viewing (i.e. posting on the WEB, videos housed in the school library)

a) No longer covered by Fair Use guidelines: permission must be obtained for use of any copyrighted material.

b) Public viewing includes posting on the Web, placing a multimedia project in the library for circulation, or using the project for more than one course or at more than one school.

c) After obtaining permission for use of copyrighted material, be sure to keep a copy of both your request for permission and the permission received.

More information on "fair use in education" is available at the following website:

Carolus, Becky. Fair Use Guidelines for Educational Multimedia. <http://www.libraries.psu.edu/mtss/fairuse/guidelinedoc.html>. 22 June 2002.

patent: grants the inventor property rights. Patents protect inventions, improvements to existing inventions and ornamental designs for articles of manufacture.

More information on "patent" is available at the following website:

United States Patent and Trademark Office.
<http://www.uspto.gov>. 14 June 2002.

public domain: material that may be freely used and copied without compensation to anyone. It's the opposite of copyrighted material, where the author retains control over how his or her work is used. Public domain includes government publications; material with expired, unexpired copyright, or the creator decides to make his property "public domain"

More information on "public domain" is available at the following websites:

"Copyright Basics: Public Domain."
Copyright Website. <http://www.benedict.com/info/publicDomain/publicDomain.asp>. 14 June 2002.

Gasaway, Lolly. When Works Pass into Public Domain. <http://www.unc.edu/~unclng/public-d.htm>. 14 June 2002.

public viewing: Putting materials on an Internet website for a wide audience, circulating multimedia materials in a library, or using it in a broadcast for more than one class or school.

More information on "public viewing" is available at the following website:

Carolus, Becky. "Fair use guidelines for educational multimedia - copyright in a nutshell." <http://www.libraries.psu.edu/mtss/fairuse/guidelinedoc.html>. 11 June 2002.

royalty free: usually associated with visual or audio CD-ROMs that are bought with the understanding that additional payment or permission for future use within the copyright guidelines ("terms of use") is unnecessary.

More information on "royalty free" is available at the following website:

<http://www.rightsforartists.com/siteindex.html>.

trademark: includes any word, name, symbol, or device, or any combination, used, or intended to be used, in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods. In short, a trademark is a brand name.

More information on "trademark" is available at the following website:

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Appendix

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