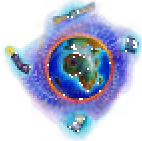


# Copyrights (and Wrongs) in a Digital Age

Susan Adams  
Educational Technology Coordinator  
NHPTV Knowledge Network



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## What is Intellectual Property?

- Inventions
- Literary and Artistic works
- Symbols
- Names
- Images
- Designs



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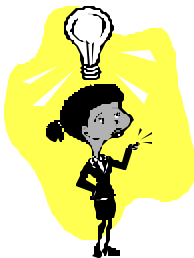
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## How is Intellectual Property Protected?

- Patents
- Trademarks
- Copyrights



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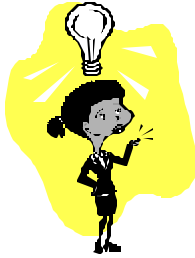
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## Patents

- Provide exclusive rights to make, use, import, sell inventions for up to 20 years.



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## Patents

- Utility Patents- processes, machines, articles of manufacture, and composition of matter.



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## Patents

- Design Patents- cover new, original and ornamental designs for articles of manufacture



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## Patents

- Plant Patents- cover invented or discovered, asexually reproduced plant varieties.



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## Trademark

- Protects names, symbols, sounds, or colors that distinguish goods or services
- Can be renewed forever

DUNKIN'  
DONUTS



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## Trade Secrets

- Any information that gives companies economic advantage over competitors.
- Formulas
- Patterns
- Techniques
- Processes
- Covered under common law and state law.



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## History of Intellectual Property Laws Stationers Guild

- Ownership of works and right to publish given to printers guild.
- Guilds with the government controlled what was printed.



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## History of Intellectual Property Laws Statute of Anne 1710

- Took control of works from the printers guild
- Rights to authors for 14 years



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## History of Intellectual Property Laws Article 1 Section 8 U.S. Constitution

- *The Congress shall have Power to:* promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries



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## History of Intellectual Property Laws Copyright Act of 1790

- "the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof....shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books...."



- 14 years from publication with a 14 year renewal

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## US Copyright Law History

- 1802 – prints added
- 1831 – musical compositions added/  
extension to 28 year/14  
year renewal
- 1856 – dramatic works  
added
- 1865 – photographs  
added



Copyright © The Cleveland Museum of Art 2001

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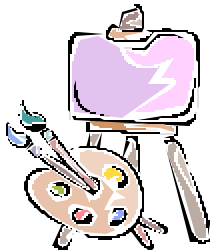
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## US Copyright Law History

- 1870 - painting, drawing  
and sculptures  
added/right of derivative  
works added/copyright  
centralized in Library of  
Congress
- 1891- establishment of  
copyright relations with  
other nations



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## US Copyright Law History

- 1897 – music public performance added
- 1909 Revision – coverage for all works of authorship/renewal extended to 28 years



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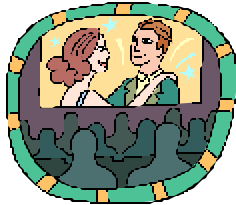
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## US Copyright Law History

- 1912 – motion pictures added
- 1953 – recording and performance rights extended to non-dramatic literary works



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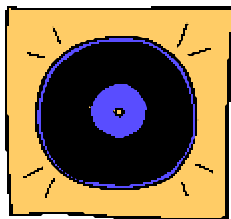
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## US Copyright Law History

- 1972 – sound recording added



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- **The 1976 Act: Major changes in US law to conform to international models:**
- Works of authorship "born copyrighted"
- Protection for life of the author + 50 years effective 1978

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- 1980 – software added
- 1989 – U.S. joins Berne Convention
- 1990 - Architectural works added
- 1992 – Digital Home Recording Act

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## US Copyright Law History

- 1998- Sonny Bono Copyright Term Extension Act – added 20 years, added provisions on music performance rights licensing, long sought by the restaurant industry and certain other groups of commercial users.

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## 1998- Digital Millennium Copyright Act

- Makes it a crime to circumvent anti-piracy measures
- Outlaws the manufacture, sale, or distribution of code-cracking devices used to illegally copy software.
- Limits Internet service providers from copyright infringement liability for simply transmitting information over the Internet.
- Service providers must remove material from users' web sites that appears to constitute copyright infringement.
- Requires that "webcasters" pay licensing fees to record companies



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## When is a Work Copyrighted?

- Copyright protection starts from the time a work is created in a fixed form.



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## Who Owns a Copyright?

- immediately becomes the property of author.
- Only author or those deriving rights through author can claim copyright.
- employer is author in works for hire.



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## 5 Rights of a Copyright Holder

### ■ Reproduction

**Right:** right to copy, duplicate, transcribe, or imitate the work in fixed form.



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## 5 Rights of a Copyright Holder

### ■ Modification

**Right:** right to modify the work to create a new or derivative work.



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## 5 Rights of a Copyright Holder

### ■ Distribution

**Right:** right to distribute copies of the work to the public by sale, rental, lease, or lending.



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## 5 Rights of a Copyright Holder

### ■ Public Performance

**Right:** right to recite, play, dance, act, or show the work at public place or to transmit it to the public.



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## 5 Rights of a Copyright Holder

### ■ Public Display

**Right:** right to show a copy of the work directly or by means of a film, slide, or television image at a public place or to transmit it to the public.



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## How Long Does a Copyright Last?

- Prior to 1923 – public domain
- 1923-1964 – 28 yrs plus 47 yr. & 20 yr. extension/notice/ from publication
- 1964-1977 – 28 years plus renewals for total of 67 years / notice/ from publication
- after 1978 - Author's life plus 70 years
- Works made for hire, anonymous works – 95 years from publication or 120 years from creation, whichever is shorter.



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## What Is Covered Under Copyright Law?

- **original** works of authorship
- fixed in any **tangible medium of expression, now known or later developed**,
- that can be **perceived, reproduced**, or otherwise **communicated**, either directly or with the aid of a machine or device.



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## What Is Covered Under Copyright Law?

- **Literary works:** novels, nonfiction prose, poetry, newspaper articles and newspapers, magazine articles and magazines, computer software, software documentation and manuals, manuals, catalogs, brochures, ads (text), and compilations such as business directories.
- **Musical works:** songs, advertising jingles, and instrumentals.



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## What Is Covered Under Copyright Law?

- **Dramatic works:** Plays, operas, and skits.
- **Pantomimes and choreographic works:** Ballets, modern dance, jazz dance, and mime works.
- **Pictorial, graphic, and sculptural works:** Photographs, posters, maps, paintings, drawings, graphic art, display ads, cartoon strips and cartoon characters, stuffed animals, statues, paintings, and works of fine art.



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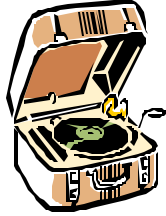
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## What Is Covered Under Copyright Law?

- **Motion pictures and other audiovisual works:** movies, documentaries, travelogues, training films and videos, television shows, television ads, and interactive multimedia works.
- **Sound recordings:** recordings of music, sounds, or words.
- **Architectural works:** building designs, whether in the form of architectural plans, drawings, or the constructed building itself.



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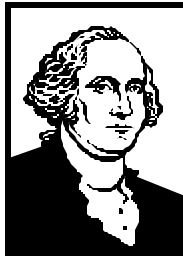
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## 1841: *Folsom v. Marsh*

- use of George Washington's private letters in a fictionalized biography without permission of owner of letters.
- court found there was not an infringement
- Justice Storey stated: "In short, we must often, in deciding questions of this sort, look to the nature and objects of the selections made, the quantity and value of the materials used, and the degree in which the use may prejudice the sale or diminish the profits, or supersede the objects, of the original work."



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## US Copyright Law History

- 1976 revision
- section 107- fair use codified
- section 108 library/archival copying



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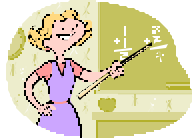
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## Fair Use Guidelines

§ 107. Limitations on exclusive rights  
Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in Copies or phonorecords or by any other means specified by that section, for purposes such as:

- Criticism
- Comment
- News reporting,
- Teaching
- Scholarship
- Research



is not an infringement of copyright.

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## 4 Fair Use Factors

- Purpose and character of use.
- Nature of work.
- Amount and substantiality of portion used.
- Effect of use on potential market for or value of work.



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## Off Air Taping - Kastenmeier Guidelines

- Broadcast programs may be recorded off air by nonprofit educational institutions.
- May be used in face-to-face teaching for 10 consecutive school days and retained for 45 consecutive calendar days after date of recording.



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## Off Air Taping - Kastenmeier Guidelines

- Broadcast programs refers to programs transmitted by television stations for reception by the general public without charge. Cable channels are not covered.



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## Off Air Taping - Kastenmeier Guidelines

- Off-air recordings may be used once by individual teachers in the course of relevant teaching activities.
- Programs can be repeated once and only when instructional reinforcement is necessary



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## Off Air Taping - Kastenmeier Guidelines

- Programs must be shown only in classrooms and similar places devoted to instruction.



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## Off Air Taping - Kastenmeier Guidelines

- Off-air recordings may be made only at the request of and used by individual teachers.
- May not be regularly recorded in anticipation of requests.
- No broadcast program may be recorded off air more than once at the request of the same teacher.



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## Off Air Taping - Kastenmeier Guidelines

- Off-air recordings may not be altered from their original content.
- Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
- All off-air recordings must include the copyright notice.



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## Off Air Taping - Kastenmeier Guidelines

- At the end of the retention period, all off-air recordings must be erased or destroyed immediately.



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## Off Air Taping - Kastenmeier Guidelines

- Educational institutions are expected to establish appropriate procedures and make a good faith effort to maintain the integrity of these guidelines.



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## Purchased and Rented Video

Section 110 (1) of the copyright law lets teachers to use video without a public performance license if:

- The use takes place in a non-profit educational institution,
- The use occurs in a classroom or similar place devoted to instruction.
- The use is part of regularly scheduled course.
- The use is exclusively by the instructor and the students in the classroom, in the course of face-to-face teaching activities.



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## Music Copying Guidelines

- Emergency copying to replace purchased copies for an imminent performance.
- For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or aria but in no case more than 10% of the whole work. No more than one copy per pupil.



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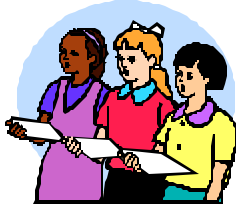
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## Music Copying Guidelines

- Printed copies which have been purchased may be edited OR simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.



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## Music Copying Guidelines

- A single copy of recordings of performance by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.



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## Music Copying Guidelines

- A single copy of a sound recording of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher.



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## Music Performance Guidelines

- Teachers and students may perform copyrighted work in the course of face to face teaching activities.



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## Music Performance Guidelines

- May perform non-dramatic literary or musical work on closed circuit TV or to disabled students for teaching purposes, only if the transmission is part of the systematic instructional activities of a non-profit educational institution, and only if the performance is directly related and of material assistance to the teaching content.



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## Music Performance Guidelines

- Performance of a non-dramatic literary or musical work at a school concert if there is no purpose of direct or indirect commercial advantage, no fee or compensation paid to the performer, promoters or organizers, and no admission charge; if there is an admission charge, all of the proceeds must be used only for educational or charitable purposes. The performance may not take place if the copyright owner objects in writing seven days before the performance.



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## Multimedia Guidelines-Students

- May use portions of lawfully acquired copyrighted works in their academic multimedia projects.
- Can retain them in personal portfolios as examples of their academic work.



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## Multimedia Guidelines-Students

- Must include on opening screen of programs and on any printed materials that presentation has been prepared under fair use exemption of the U.S. Copyright Law and are restricted from further use.



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## Multimedia Guidelines-Teachers

- Can claim fair use for productions if productions are:
  - Face-to-face curriculum-based instruction.
  - Demonstrations of how to create multimedia productions.
  - Presented at conferences.
  - For remote instruction as long as the distribution signal is limited.



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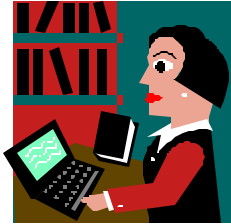
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## Multimedia Guidelines-Teachers

- May use multimedia presentations for two years after first use with class.
- After two years, must gain permission for each copyrighted portion incorporated in the production.
- Fair use ends when the multimedia creator loses control of product's use.



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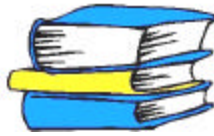
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## Content Breakdown Guidelines-Text

- Complete articles, stories, essays of less than 2500 words.
- Excerpts from prose works of not more than 1000 words or 10%.



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## Content Breakdown-Text

### Poems

- Entire poem if less than 250 words.
- 250 words or less if longer poem.
- No more than 5 poems (or excerpts) of different poets, from an anthology.
- Only 3 poems (or excerpts) per poet.



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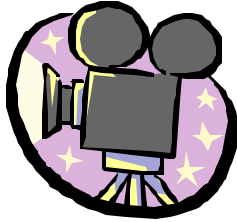
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## Content Breakdown- Motion Media

- Up to 10% of a copyrighted work or 3 minutes, whichever is less.
- Clip cannot be altered in any way.



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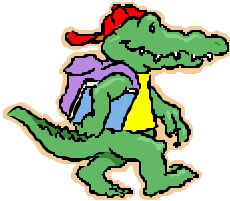
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## Content Breakdown- Images

- Images must be used in their entirety.
- No more than 5 images of an artist's or photographer's work.
- No more than 10% or 15 images from a collection, whichever is less.



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## Content Breakdown- Music

- Up to 10% of a copyrighted composition, but no more than 30 seconds.
- Up to 10% of a body of sound recording, but no more than 30 seconds.



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## Content Breakdown- Data Sets

- Up to 10% or 2500 fields or cell entries, whichever is less.
- A field entry is a specific item of information (e.g.name, Social Security number).
- A cell entry is the intersection where a row and a column meet on a spreadsheet.



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## Alteration Limitations

- Multimedia selections may be altered to illustrate a specific technique or to support a specific instructional objective.
- Notation of the alteration should be documented within the presentation itself.



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## Citations

- Educators and students must credit sources, giving full bibliographic information when available.
- Educators and students must display the copyright notice and copyright ownership information if this is shown in the original source.



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## Copying and Distribution

- 2 copies of the original production may be made.
- 1 copy can be placed in a resource center or media center collection for others to use for instructional purposes.

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## Copying and Distribution

- An additional copy may be made for preservation purposes, but may be used or copied only to replace an original copy that has been lost, damaged, or stolen.

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## Copying and Distribution

- If more than one person has created the multimedia presentation, each principal creator may retain only one copy for inclusion in a portfolio, or for use in presentations.

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## Electronic Network Distribution

- Electronic networks may be used to share such materials with students in remote sites.
- There must be technological limitations on access to the network and program (passwords, limited access etc..) and the technology prohibits users from making copies of the material.

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## Electronic Network Distribution

- If the electronic network cannot prevent duplication of the material, educators may use the educational multimedia projects on the network for no more than 15 days after its initial use via this technology.

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## Plagiarism

- The act of stealing and passing off as one's own the ideas or words of another
- Using another's production without crediting the source
- From the Latin word *plagiarius* ("kidnapper")



(Merriam-Webster's Collegiate Dictionary)

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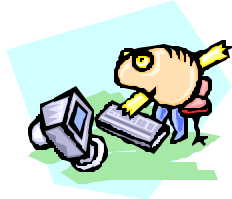
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## Rules to Write By

- Always acknowledge direct use of someone else's words or images.
- acknowledge words paraphrased from any source.



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## Citations Needed

- Direct quotations
- Assertions that are arguable or facts that are not widely known
- Judgments, opinions, and claims of others
- Statistics, charts, tables, and graphs from any source



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## No Citation Needed!

- Information that is common knowledge
- Facts available in a wide variety of sources
- Your own findings from research.



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## Sources

- free and for sale paper sites
- content sites
- invisible web
- subscription sites



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## What to Look For

- no references or quotations
- dated references
- shifts in formatting
- shifts in diction and voice
- shifts in style
- outright stupidity



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## Rules to Teach By

- Let students know you know!
- Use online paper repositories with your students.
- Integrate appropriate use of internet sources and citing sources into your instruction.
- Teach your students about intellectual property and fair use.



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## Rules to Teach By

- Avoid generic writing assignments.
- Make the assignments clear
- Require specific components papers.
- Track progress of student writing.
- Assign oral reports.



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## Sources

- <http://www.cyberessays.com>



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## Sources

- <http://www.cheater.com>



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## Sources

- <http://www.cheathouse.com>



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## Sources

- <http://www.megaessays.com>



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## Sources

- <http://www.oppapers.com>



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## Sources

- <http://www.essaydepot.com>



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## Sources

- <http://www.givemnotes.com>



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## Sources

- <http://www.eduenow.com>



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## Sources

- <http://www.turnitin.com>



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## Sources

- <http://www.canexus.com/>



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## Sources

- <http://www.wordchecksyste.ms.com/>



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# Copyrights and Wrongs in a Digital Age

Presented by Susan Adams  
Educational Technology  
NHPTV Knowledge Network

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**I'm Just the  
Messenger!**

The End

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