

# Copyright & the Classroom

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*SIC Compliance and Professional Use*

Katie Dusch  
Academic Resource Specialist  
Southeastern Illinois College

# Copyright - What?

- Modern U.S. copyright law = The Copyright Act 1976 as part of Title 17 of the United States Code
- Provides a bundle of rights that protect the owner's expression of original ideas created and fixed in a tangible medium.
- Protects rights for:
  - Reproduction
  - Distribution
  - Display
  - Performance/Recording
  - Licensing
  - Creation of derivative works

# Copyright - What?

- Works covered:

- Literary
- Musical
- Dramatic & accompanying music
- Choreographic/Movement
- Audiovisual & Motion Picture
- Pictorial/Graphic/Sculptural
- Sound
- Architectural

- Does not cover:

- Ideas
- Procedures
- Processes
- Systems
- Methods of Operation
- Content
- Principles
- Discoveries

regardless of the form in which it's described, explained, illustrated, or embodied

- The Act does NOT protect the facts contained within the work or the ideas themselves.

# Copyright - Who?

- Protects the creators, also called owners
- Owners include any original expression contributor/author
- After Jan. 1, 1978 = life of author + 70 years.
- After Jan. 1, 1978 = corporate author: shorter term of either 95 years from publication or 120 years from creation
- Prior to '78 = follows copyright guidelines and previous acts/amendments

# Copyright - How?

- Automatic when it is first “fixed”
  - “Fixed” = put into a tangible medium, such as recording, computer entry, written, painted, etc.
- After March 1, 1989 = no longer require a copyright notice (© or the word copyright, the author’s name and the year of publication). Copyright registration is also no longer required. However, it is wise to affix a copyright notice to works so that the owner of the copyright can be easily identified.
- Employees = if creation occurs on college time and/or with college equipment, it is property of SIC unless otherwise negotiated
- Students = retained by student unless the work is commissioned by the college or is part of time as a student worker

# Copyright - Permissions

Ways to use available works:

- Obtain copyright permissions
- Follow fair use guidelines
- Use works in the public domain

Obtaining Permissions:

1. Determine Copyright status, then contact owner
2. Use [www.copyright.com](http://www.copyright.com) to see if you can obtain permissions

# Copyright - Fair Use

Allows for certain use of copyrighted works without infringement

- e.g.: criticism, comment, news reporting, teaching, scholarship, and research

To determine if using the work falls under fair use:

- consider the purpose and character of use - commercial? nonprofit? education?
- nature of the work itself
- amount and substantiality of portion used compared to whole work
- effect of the use on the market value

No specific formula; claims are evaluated on a case-by-case basis

# Copyright - Fair Use

According to Board Policy 4020, SIC interprets fair use situations to include:

- Quotation of short passages in a scholarly or technical work
- Reproduction of material for classroom use where use is unexpected and spontaneous
  - E.g.: article published that morning would be relevant to the day's discussion
  - Typically one-time use only one semester
- Use in a parody of short portions of the work itself
- Summary of an address or article, which may include quotations of short passages of the work

Searchable index of court opinions at:

<https://www.copyright.gov/fair-use/>

Checklist available at:

[https://www.copyright.com/Services/copyrighoncampus/basics/fairuse\\_list.html](https://www.copyright.com/Services/copyrighoncampus/basics/fairuse_list.html)



# Copyright - Public Domain

- Consists of all creative works to which no exclusive intellectual property rights apply because:
  - the copyright has expired
  - the copyright owner failed to follow copyright renewal rules
  - the copyright owner deliberately places it in the public domain, known as “dedication,” or
  - copyright law does not protect this type of work.
- Includes most works created by the U.S. government.
- Public domain works are free for the public to use and no one can ever own the works.
- Works published in the U.S. prior to 1924 are in the public domain.

# Copyright - The Creative Commons

- Organization that expands the number of creative works available to legally share and use
- Uses “Creative Commons” licenses that vary in type and restriction
  - 6 different types for varying uses
  - Controlled by the creator
- Doesn't replace copyright, but builds on the concepts

# What does this mean for me & my instruction?

- Examine your goal & use it as a measuring stick
  - “Use the minimum amount necessary to accomplish the pedagogical goal.”
- Practice what you preach to your students
  - Provide citations and a copyright notice if available
  - Link instead of copying
  - When in doubt, gain permission
- Use library/learning commons resources
  - Subscription access & Reserves
  - Embedding & Linking

# What does this mean for me & my instruction?

- Don't copy consumables unless you already have permission
  - Handouts, quizzes, etc.
  - Pearson
- Writing your own manual or textbook
  - Do a fair use analysis from the checklist to determine if you need permission
  - Understand that the College owns material created on campus time with campus resources UNLESS otherwise negotiated
  - Use citations and credit any works quoted or referenced

# References

Copyright Law in the Educational Setting, UNC Charlotte Office of Legal Affairs, Division of Institutional Integrity  
<https://legal.uncc.edu/legal-topics/copyright-law-links-and-resources/copyright-law-educational-setting>

Copyright Overview, Purdue University, University Copyright Office  
<https://www.lib.purdue.edu/uco/CopyrightBasics/basics.html>

Copyright Basics: Introduction, The Campus Guide to Copyright Compliance  
<https://www.copyright.com/Services/copyrightoncampus/basics/index.html>

Copyright Law of the United States  
<https://www.copyright.gov/title17/>

Welcome to the Public Domain, Copyright & Fair Use, Stanford University Libraries  
<https://fairuse.stanford.edu/overview/public-domain/welcome/>

Copyright and Fair Use - Exceptions for Teachers, Oregon State University Libraries  
<https://guides.library.oregonstate.edu/copyright/classroom>

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<https://copyright.cornell.edu/publicdomain>

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