

# Frequently Asked Questions about Copyright and Fair Use

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# What is copyright?

the exclusive legal right to reproduce, publish, sell, or distribute an original work, e.g., literary, musical, or artistic

Source: Merriam-Webster  
Open Dictionary

# How long does it last?

It depends:

- If created after 1/1/1978 copyright lasts 70 years after the author's death
- If the work is owned by a company, copyright lasts 95 years from publication or 120 years after it was created, whichever is shorter

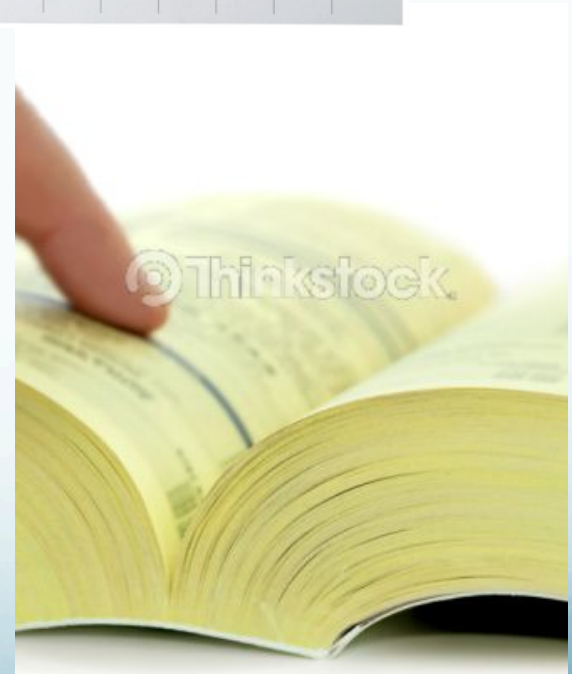
# Is everything copyright protected?

NOT:

- Material that has no original author
- Lists of data
- Facts, ideas, discoveries
- Most US government materials
- Items in the “public domain”



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# What is the “public domain”?

- Work that is available for anyone to use



• 1923

1978

- All work created before 1923
- Most work created between 1923 and 1963 which was originally copyrighted but not renewed
- All work created between 1923 and 1978 that was published without a copyright

# What is Fair Use?

- Fair Use is part of the US Copyright Act. It allows people to copy and use copyrighted material for
  - teaching
  - news reporting
  - research
  - criticism



# Before copying ask 4 questions:

1. Is a **small** part of the work being copied?
2. Is the work **available** for free and not commercially produced?
3. Is the work mostly **factual**, rather than highly creative?
4. Is the work being used for an **educational** purpose?

If Yes to all 4 questions, then it's **S.A.F.E.** to use

# How much is Fair Use?

Use the **smaller** amount of:

<b>Text</b>	<b>10% or 1000 words</b>
<b>Poetry</b>	Poem of less than 250 words; no more than 3 poems by same author; or 5 poems from an anthology
<b>Music, Lyrics, Video</b>	10% or 30 seconds from single work
<b>Film</b>	10% or 3 minutes
<b>Photos &amp; Illustrations</b>	5 images from one artist, 10% or 15 images from single collected work
<b>Numerical Data Sets</b>	10% or 2500 fields or cells

Source: Fair Use Guidelines for Educational Multimedia, 1996

# How do I credit the original creator?

- Include author's name, title of work, publisher, place, date of publication on "Works Cited" page
- For images credit the artist immediately below the visual
- Include author's name, title of work, name of site, date posted, date retrieved, URL for all material from a website



# How may I use work that has a Creative Commons designation?

Designation	Code	IF I credit the original creator
Attribution	<b>CC BY</b>	I can copy, modify, display, & distribute the work even for commercial purposes
Attribution Share Alike	<b>CC BY-SA</b>	I can copy, modify, display, & distribute the work even for commercial purposes and I must license it the same way the original creator did
Attribution No Derivatives	<b>CC BY-ND</b>	I can copy, display, and distribute the work in its original form <u>without any changes</u>
Attribution Non Commercial	<b>CC BY-NC</b>	I can copy, modify, display, & distribute the work for non commercial purposes only
Attribution Non Commercial No Derivatives	<b>CC BY-NC-ND</b>	I can copy, display, & distribute the work in its original form <u>without any changes</u> and for non commercial purposes only
Attribution Non Commercial Share Alike	<b>CC BY-NC SA</b>	I can copy, modify, display, & distribute the work for non commercial purposes only and I must license it the same way the original creator did

# After I have obtained permission how may I use copyrighted material ?

## As a student

- perform or display the material in a multimedia project I create for a school assignment
- keep the project in my portfolio of academic work

## As a teacher

- present a multimedia project during class instruction or as a student assignment for 2 years after I use the material for the first time
- keep the project to use in conference presentations or in my portfolio indefinitely

# What about Software?

- Software is NOT included in “fair use” but may be included in the “public domain”
- Purchasing software means you may use it, but you do NOT own it
- You can load the software onto 1 computer and keep 1 copy as an archive

You may NOT

- buy a single user license and load it onto many computers or a server
- Download copyrighted software from the Internet



You may NOT

- Load copyrighted software purchased by your school onto your home computer without permission

# References

Intel Corporation. “Copyright Chaos A Detailed Look at an Educator’s Guide to Copyright Law and Fair Use”. Intel Teach Program Essentials Course. 2007