

Virtual Educational Technology Conference

Copyrights, Fair Use and Other Legal Matters in Educational Technology

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Internet Ethics

What can and cannot be taken from the Internet and placed into student and instructor web-pages, presentations and other documents?

What work can and cannot be published online by students and teachers?

These are not always easy questions and do not have easy answers. This presentation hopes to answer some questions and provide resources to help you answer others regarding copyrights, fair use and other legal issues surrounding ownership, dissemination, publications and usage of electronic and multimedia educational materials and works of yours and others.

Some general tips to posting student work on the internet are:

- Don't post photos that can be easily identifiable. In most instances it is necessary to get the written permission of a student's parents before posting their picture.**
- Don't include personal information about a student like full names or addresses. Adhere to FERPA or other guidelines regarding dissemination of information.**
- Remember that all personal work is automatically copyrighted and requires parents permission to be displayed.**

Fair Use - Four Factors

- What is the Character and Purpose of Your Use - Has the work been transformed or merely copied.
- What is the Nature of the Copyrighted Work - Was the work published or un-published.
- What is the Amount and Substantiality of the Portion Taken - How much was actually taken can be critical and was it a critical part of the work regardless of the size.
- What is the Effect of the Use on the Potential Market - Are you depriving the owner of a possible income from the work whether or not the owner thought of the selling point or not.

Ethics

University of Maryland's Online Resources on Ethics covers a large array of topics including general network and internet etiquette, spam, junk E-mail, tele-marketing etc. and has some great links.

<http://www.inform.umd.edu/NEThics/resources/online/ethics.html>

Copyrights and Fair Use

Crash Course in Copyright

<http://www.utsystem.edu/ogc/IntellectualProperty/cprtindx.htm>

This is an excellent site for general rules in determining Fair Use utilizing course packs, distance learning materials, images and multimedia, music etc. Below is a great quote from the website which sums up many topics regarding copyrights and fair use.

*"Someone owns just about everything
Fair use lets you use their things
- But not as much as you'd like to
Sometimes you have to ask for permission
Sometimes you are the owner - think about that!"*

Intellectual Property

The site also has a great section on “intellectual property” and “who owns what”. This can be a very complicated topic for teachers and college instructors especially when doing collaborative work.

The basics are:

The author is usually the owner except regarding work-for-hire where the employer actually owns the work. All-in-all this is a really excellent site with a wealth of information on many topics surrounding copyrights including multimedia and online presentations.

<http://www.utsystem.edu/ogc/IntellectualProperty/cprtindx.htm>

Copyright and Fair Use Guidelines for Teachers

Here is that handy guide by educator Hall Davidson. This guide provides a concise chart of the various copyright and fair use guidelines. I e-mailed Mr. Davidson about a year ago asked and was granted permission to use and distribute this chart to friends, colleagues and other educators. I was sure to include my name, position title, organization and intended usage of the instrument.

http://i.empnet.com/techlearning/pdf/db_area/archives/TL/2002/10/copyright_chart.pdf

Giving Credit

Here is another great quote that I felt was so appropriate I had to include it in this presentation. It is a quote from K. W. Richardson regarding copyrights and fair use and brings up many good issues.

“I'm amazed at the number of teacher Web pages that include graphics for which no credit is given, even for legally used images. Almost all sites, even those with a liberal distribution policy, ask that credit be given either with the graphic or on a separate credits page. Yet, teachers who spend time every year teaching their students how to write correct bibliographies and emphasize the importance of attribution, ignore those same rules when it comes to their own publishing. We must set good examples for our students and for the Internet community at large. Ignoring copyright rules and fair use guidelines will only convince copyright holders that further restrictions are needed.”

Attribution: Remember to credit all sources for works including fair use!

Richardson, K.W., Accessed from http://www.techlearning.com/db_area/archives/WCE/archives/kwrich.htm, (11/20/2003)

Seeking Permission

If a work you want to use is not a fair use work or otherwise licensed for use online etc. you must seek permission. Here are some useful tips for seeking permission to use copyrighted materials presented by Barbara Bray, President of My eCoach:

- Ask permission in writing so you have paper trail
- Give yourself ample time for the request (at least two weeks)
- Always give them your name, title and the name of your organization
- Give as much information about the material being duplicated as possible including name, title, volume, issue, page, website, access date etc.
- Describe how you plan to use the material
- State how many copies you plan to make and when you will need the material
- <http://www.copyright.com>

Copyrights

More information on registering a copyright including legal benefits, registration information, rights and guidelines and other resources.

<http://www.copyright.com/CopyrightResources/CopyrightRegistration.aspx>

Public Domain

Public domain includes all works on the internet that are not protected by any copyright laws, which makes them free for public use by anyone for any purpose. Authors must state that their work is to be public domain in order for it to get there. Public domain used to be the default; now copyright is. Public Domain also covers works which were previously copyrighted but were allowed to expire. For more information visit the copyright website at:

<http://www.benedict.com/info/publicDomain/publicDomain.asp>

Copyright Licensing Suites

Creative Commons is a company that is offering suites of licenses to authors that want to have copyright privileges yet leave “some rights reserved” that will be listed upfront to the borrower allowing them to copy and distribute material providing they meet certain conditions. This is a nice compromise between fair use where little restrictions apply and tracking down the authors for permission which can be daunting.

For more information on this exciting endeavor visit:

<http://www.syllabus.com/article.asp?id=7475>

Copyright Website Portal

The copyright website portal provides a number of tools to copyright your website, and provides information on audio, video, software issues and copyright laws. For \$99 the website copyright wizard will burn your site information to CD and submit it to the copyright office.

<http://www.benedict.com/wizard/wizard.asp>

DMCA

The Digital Millenium Copyright Act passed by the U.S. Congress in 1998

An attempt to preserve creative electronic intellectual resources by protecting people that develop software, music pictures and other works. The anti-circumvention section of the code is written quite broadly and appears to prevent any copyright code from being de-encrypted which some say could be misused by large corporations. Potential infringements may occur if you have a website which allows users to create web pages and upload copyrighted images or text.

http://www.anti-dmca.org/faq_localhtml

<http://www.keytlaw.com/Copyrights/dmca.htm>

SPAM

SPAM or unsolicited junk e-mail is becoming an ever widening problem that is in many states still unregulated. Spammers buy or otherwise obtain hundreds or thousands of e-mail addresses and can often obtain them buy a simple search. These spam e-mails can contain viruses and can even forward automatically to other addresses increasing the spam problem. There are some spam abuse websites available that have been active for many years. Here are a few.

<http://spam.abuse.net/>

<http://www.stop-spam.org/>

<http://www.junkbusters.com/>

Policies

- Acceptable Use Policies - Fair Responsible and Acceptable Use of Computing Resources

<http://www.educause.edu/asp/doelib/abstract.asp?ID=CSD3026&COMM=ICPLPOLICY>

<http://www.pusd.info/pusdphs/common/aua.asp>

<http://edtech.mcc.edu/edtech/aup.html>

- E-Mail Policies

http://www.uncg.edu/cha/UNIVERSITY_COUNSEL/model_policies/Modpol.html

- Licensing Policies

<http://www.ait.iastate.edu/softlifter/>

<http://www.educause.edu/icpl/policies.asp?>

<http://www.educause.edu/icpl/policies.asp?>

Policies

- **Privacy Policies (FERPA) Family Education Rights And Privacy Act-**

<http://registrar.colorado.edu/Support/privacy.htm>

<http://www.reg.niu.edu/regrec/FERPA.htm>

- **Security Policies -**

<http://security.berkeley.edu:2002/IT.sec.policy.html>

- **Web Policies -**

<http://www.pbvUSD.k12.ca.us/ttc/G4CWebP.htm>

<http://www.educause.edu/icpl/policies.asp?>

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