Piracy & Plagiarism

Colleen & Ele
A Few Questions . . .

Scenario 1:
You are working on a video for a school project. You are scanning in your photos and putting them to a slideshow with music. You want to use your favorite Beyonce song and it will make a perfect background. **You own the CD so can you put the whole track behind your slideshow?**

Scenario 2:
You have edited together video footage of major news events throughout the year as part of a school project. This includes very short clips from news shows like NBC, CNN, etc. The project turned out so well that the school wants to use it as an intro to the video yearbook they are selling? **Is this fair use?**

Scenario 3:
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"Intellectual Property"

"A name used for material, or things that are intangible (you can't touch it) - like ideas, music, written word, [pictures] and pictures. You may not be able to touch it, but it does have value to the person who made it."

People have the ownership rights of materials they created, written, designed or expressed by individuals.
What is Piracy & Plagiarism?

This happens when you use someone else's work and pretend it is yours. Just because you can use a picture in a report under Fair Use laws, does not mean you can claim that work as your own. You MUST give credit by doing the following:

- Appropriately identify your source (tell where you got the information)
- "Quote" your source
- Cite references (bibliography)
- Use footnotes
What is the Copyright law?

- protects works of "intellectual property"
- owners have the right to do and to authorize others to do these things:
  - reproduce the work
  - distribute copies of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending
  - to perform the work publicly
  - to display the work publicly
  - to create derivative works; that is new works based closely on the original, such as a translation of a book from one language into another, or making a book into a movie
- initially lasted 14 yrs & another 14 renewal yrs. NOW its 70 yrs from the author's death (sometimes more)
What copyright protects . . .

**Does . . .**
- Forms of expression
- Poetry
- Prose
- Computer programs
- Artwork
- Music - - written or recorded
- Animations
- Movies & videos
- Java Applets
- A “web page”
- Architectural drawings
- Photographs
- & more forms of expression

**Does NOT . . .**
- Ideas
- Titles
- Names
- Short Phrases
- Works in the public domain
- Mere facts
- Logos and slogans (protected by trademark)
- Blank forms that only collect information rather than provide information
- URL’s (ex: a link to a website)

Copyright Bay
What is Fair Use?

a set of legal exceptions to copy infringement. For educational purposes, Fair Use gives students and teachers the ability to use copyrighted material in small amounts.

Ex: 30 seconds of a song
    1 picture from a book

Just remember: you need to give credit where it's due and the work cannot be publicly displayed or put into a situation it could be.

Dr. Esther Sinofsky:
"Fair use is a contradiction of the basic concept of copyright: Copyright grants an author an exclusive monopoly on a particular work; fair use provides that someone other than the author can have certain rights regarding the work... without payment to... the copyright owner."
4 "fair use" criteria from the 1976 Copyright Act . . .

1. The purpose and character of the use, including whether such is of a commercial nature or is for non profit educational purposes

2. The nature of the copyrighted work

1. The amount and substantiality of the portion used in relation to the copyrighted work as a whole

1. The effect of the use upon the potential market for or value of the copyrighted work
Copies . . .

Single Copying for Teachers
A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A chapter from a book
- An article from a periodical or newspaper
- A short story, short essay or short poem, whether or not from a collective work
- A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper

Multiple Copies for Classroom Use
Multiple copies (not to exceed in any even more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- The copying meets the tests of brevity and spontaneity
- Meets the cumulative effect test
- Each copy includes a notice of copyright
Copies cont. . . . (defining terms)

**Brevity** (shortness)
- **Poems**
  - a complete poem if less than 250 words and if printed on not more than two pages
  - from a longer poem, an excerpt of not more than 250 words
- **Prose/writing**
  - either a complete article, story or essay of less than 2,500 words
  - an excerpt of no more than 1,000 words or 10% of work (whichever less and no more than 500 words)
- **Illustration**
  - 1 chart, graph, diagram, drawing, cartoon or picture per book or periodical issue
- **"Special" Works**
  - certain works in poetry or prose which often combine language w/ illustration & which are intended for children/general audience (2,500 words)

**Spontaneity**
- the copying is at the instance & inspiration of the individual teacher
- the inspiration & decision to use the work & the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission

**Cumulative Effect**
- the copying of the material is for only 1 course in the school
- not more than 1 short poem, article, story, essay or 2 excerpts may be copied from the same author, nor more than 3 from the same collective work or periodical volume during 1 class term
- there shall not be more than 9 instances of such multiple copying for one course during 1 class term
Copies Cont. . . .

Prohibitions to the previous:
not withstanding any of the previous mentioned, the following shall be prohibited

- Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

- There shall be no copying of or from works intended to be "consumable" in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets & answer sheets & like consumable materials.

- Copying shall not:
  - substitute for the purchase of books, publishers' reprints or periodicals
  - be directed by higher authority
  - be repeated with respect to the same item by the same teacher from term to term
  - no charge shall be made to the student beyond the actual cost of the photocopying
Movies . . .

Can a school show a movie without obtaining permission from the copyright owner?
"If the movie is for entertainment purposes, you need to get a clearance or license for its performance.

It is not necessary to obtain permission if you show the movie in the course of “face-to-face teaching activities” in a nonprofit educational institution, in a classroom or similar place devoted to instruction, if the copy of the movie being performed is a lawful copy. 17 U.S.C. § 110 (1). This exemption encompasses instructional activities relating to a wide variety of subjects, but it does not include performances for recreation or entertainment purposes, even if there is cultural value or intellectual appeal.

Questions regarding this provision of the copyright law should be made to the legal counsel of the school or school system."

Want to show movies legally?

Check to see if your school/district has permission. . .

**Movie Licensing USA**: A Division of Swank Motion Pictures, Inc.

Once you have the legal permission, you need parent permission. . .

**Movies in the Classroom**

- Basic Movie Permission Slip
- Annual Movie Permission Slip
- Full Length Movie Permission Slip
Permissible Uses:

- Emergency copying to replace purchased copies for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

- For academic purposes other than performance, single or 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 no more than 10% of the whole work (1 per pupil).

- 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.
A single copy of recordings of performances by students may be retained by the educational institution or individual teacher.

A single copy of a sound recording (tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the construction of aural exercises or examinations & may be retained by the educational institution or individual teacher.

When you purchase music, movies, or software - you have purchased the right to listen to it - NOT to make copies for your friends.
Scenario 1:
You are working on a video for a school project. You are scanning in your photos and putting them to a slideshow with music. You want to use your favorite Beyonce song and it will make a perfect background. **You own the CD so can you put the whole track behind your slideshow?**

NO!!!!!!!!!!!
Fair use provides that you can use a portion of a song - less than 30 seconds, not the entire song. If you limit it, you would be OK.

Scenario 2:
You have edited together video footage of major news events throughout the year as part of a school project. This includes very short clips from news shows like NBC, CNN, etc. The project turned out so well that the school wants to use it as an intro to the video yearbook they are selling? **Is this fair use?**

NO!!!!!!!!
While this started as a school project, you cannot use other people's work to make money. By including the project in a video yearbook and selling it, it is no longer fair use.
Scenario 3:
You have a paper due for school. You find a great website covering the information online. You cut and paste sections to put into your report. You don't need a bibliography for a paper, so you do not bother to include one. **Is this fair use?**

**NO!!!!**
While you are allowed to use information online in a report under Fair Use law - realize this is PLAGIARISM!! You need to cite sources and let others know these are not your original thoughts and ideas.
Brief Overview . . .

- **Audio**
  - limiting the portion used to 10% and no more than 30 seconds

- **Video**
  - use a videotape/movie for instruction (not the entire movie)
  - taped something yourself? you only have 10 days after the broadcast & 45 days for evaluation purposes

- **Multimedia**
  - Authoring for curriculum-based projects may include material from CDs, books, the Internet and other sources. (Can't be sold but can be shared with family members since students' homes are considered to be part of the learning community.

- **Internet**
  - for project use ... **OK**
  - posting them back online ... **NO**

- Hall Davidson
Do not use technology for entertainment or reward, don't pretend the cateteria or auditorium is a classroom when it's not; and don't use bootleg copies of videos, CDs, or software.

The creation of a video yearbook may be an educational project, but giving or selling it to the world at large is not.
Resources . . .

- Hall Davidson "The Educators' Learn and Mean No FAT Guide to Fair Use" [Link]

- "Can I Use Someone Else's Work? Can Someone Else Use Mine?" [Link]

- Frequently Asked Questions about Copyright [Link]

- Copyright Bay [Link]

- CTAP4 Cybersafety Project: Piracy and Plagiarism [Link]

- Movie Licensing USA [Link]

- Movies in the Classroom [Link]

- Notes from a previous class