



# Copyright Update: Library Services

## Learning Outcomes

- » Refresh your understanding of U.S. Copyright Code and Fair Use as it relates to
  - ◇ Photocopies
  - ◇ Movies (and streaming services)
  - ◇ Other educational applications

## Why is this happening now?

- » Refresher is always good
- » Houston Independent School District
  - ◇ \$9.2 million lawsuit over study guides copied and distributed
- » Connect you with your librarian(s) as a collaborative thought partner and resource

## Why do we have Copyright Law?

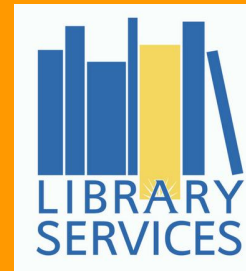
- » To promote learning and the dissemination of knowledge
- » Not just to ensure that authors are paid



## Scenario

You have a copy of *We Got This* by Cornelius Minor and would like to make four photocopied packets of Chapter 3 for the other members in your CLT. Can you legally do this?

**It depends.**



# U.S. Copyright Law



## Fair Use Guidelines for educational settings

“Fair Use” isn’t carte blanche...

# Fair Use Guidelines

- » Provides parameters for the legal use of copyrighted materials without the author's permission.
- » Think and make a judgment based on four key areas:
  - ◇ Purpose of Use
  - ◇ Nature of Work
  - ◇ Amount of Work
  - ◇ Effect on the Market

## Breaking it Down: Purpose of the Use

- » Materials should be used for specific educational programs and schools only
- » No fee should be charged for students to use the materials in question



## Breaking it Down: Nature of the Work

- » Use only the portions of the work in question that are directly relevant to the learning objectives
- » Avoid using large portions of works that are **highly creative** (e.g. short stories, novels, modern art images, poetry) as the law applies more narrowly
- » **Consumable materials** (workbooks, test prep materials) should not be copied as these are meant to be purchased

## Breaking it Down: Amount of the Work

- » Materials used in the classroom should be excerpts from the original work
  - ◇ Examples: a single chapter from a book; an individual article from a journal
- » Ensure that the work being used is **directly related** to the objectives of the class

# Breaking it Down: Effect of the Use on the Market for the Original

- » Big question to consider: will copying this portion of the material in question harm the market sale of the copyrighted material?
- » Be sure to provide ***proper citation*** of the original source of publication in your copied material



# Scenario

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**So is this okay?**

# Teachers Pay Teachers

- » Company has been accused of not protecting intellectual property of individuals as there are several cases of direct replications of original work on the TpT website being sold for a profit
- » TpT has given copyright holders a way to flag content they feel is stolen/copied
- » Profit vs. Collaborative Sharing

Source: <http://bit.ly/30yEGp0> (*Education Week* article, “On ‘Teachers Pay Teachers,’ Some Sellers are Profiting From Stolen Work”)

# Teachers Pay Teachers (continued)

- » Example: Heinemann Publishing updated their copyright policy in all of their books to address this issue:
  - ◇ “Heinemann’s authors have devoted their entire careers to developing the unique content in their works, and their written expression is protected by copyright law. We respectfully ask that you do not adapt, reuse, or copy anything on third-party (whether for-profit or not-for-profit) lesson sharing websites.”

Source: <https://blog.heinemann.com/an-update-to-our-copyright-language>



# Videos in the Classroom



- » In general, public performances of video/DVD/streaming video is illegal without the proper license or paid royalty fee
- » Educational Exemption and Face-to-Face Teaching Exemption
  - ◇ Okay to show if:
    - ◇ Teaching activities are done in a non-profit educational institution
    - ◇ Video has a direct connection to **face-to-face teaching**
    - ◇ Video is shown in a classroom or similar instructional space
    - ◇ Video show is a lawful, purchased copy

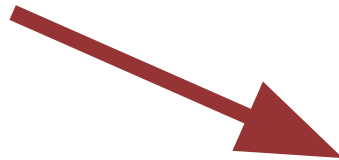
Source: <https://libguides.ala.org/copyright/video>



# Videos in the Classroom (continued)



- » So what about movies for entertainment purposes (not curriculum related), PTA events, or Extended Day?
  - ◇ APS has purchased a license for each school site (Swank Movie Licensing) that allows schools to exhibit Motion Pictures legally within the school building
  - ◇ Look for this license in your school's library!



Source: <https://www.swank.com/k-12-schools/faq#iThoughtSchoolsWereExempt>



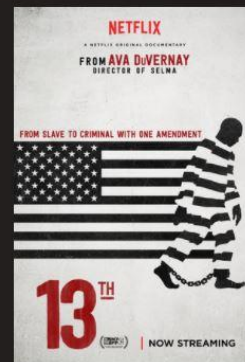
# But what about Netflix...?

- » On Netflix, some individual documentaries are available for one-time educational settings
- » Go to [media.netflix.com](https://media.netflix.com), click “Only On Netflix”, then “All Alphabetical” to see “Documentary” and whether or not you can show within the classroom

Source: <https://help.netflix.com/en/node/57695>

## NETFLIX MEDIA CENTER

Only On Netflix Releases and Blogs



### 13TH

The title of Ava DuVernay's extraordinary and galvanizing documentary refers to the 13th Amendment to the Constitution, which reads, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States." The progression from that second qualifying clause to the horrors of mass criminalization and the sprawling American prison industry is laid out by DuVernay with bracing lucidity. With a potent mixture of archival footage and testimony from a dazzling array of activists, politicians, historians, and formerly incarcerated women and men, DuVernay creates a work of grand historical synthesis.

#### GRANT OF PERMISSION FOR EDUCATIONAL SCREENINGS

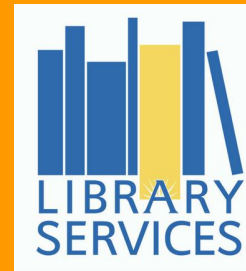
Netflix is proud to present original documentaries that speak to our users in a meaningful way. We know that many of you are as excited about these films as we are, and because of their informational aspects, you'd like to show them in an educational setting -- e.g., in the classroom, at the next meeting of your community group, with your book club, etc. Consequently, we will permit one-time educational screenings, "one-time screening" means that you can't hold screenings several times in one day or one week - but if, for example, you're an educator who wants to show the film once a semester over multiple semesters, that's okay, of any of the documentaries noted with this information, on the following terms:



# Amazon Prime and Hulu



- » Terms and Conditions of both of these streaming services **do not** allow you to show in public setting (like a classroom) because streaming is only allowed for *personal, non-commercial purposes*



**What about when I need  
images for presentations?**

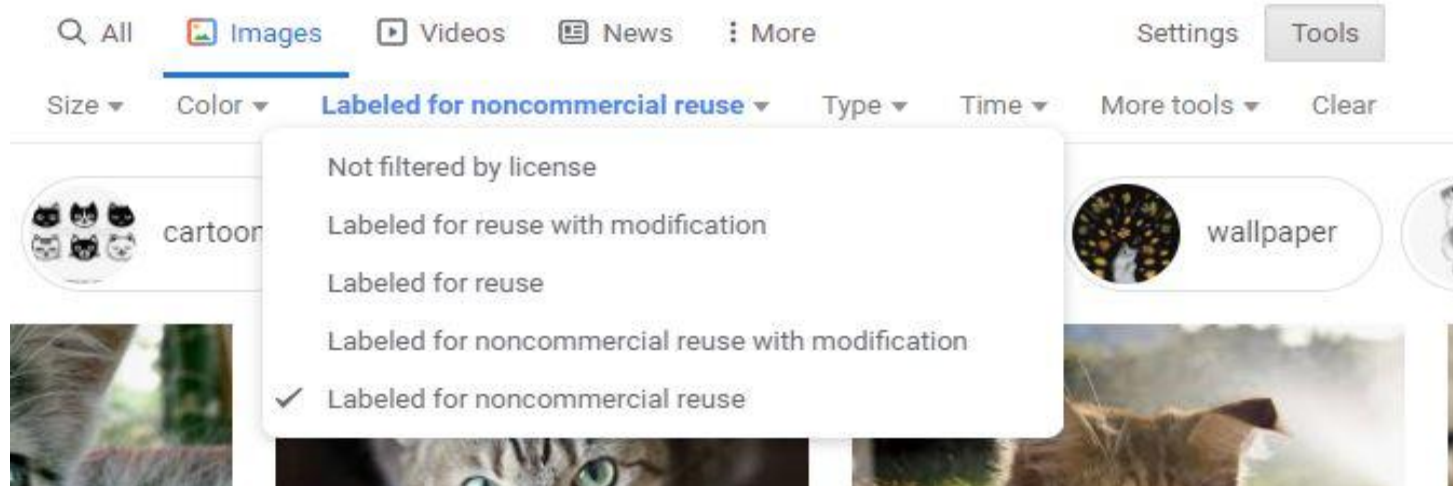
# Creative Commons Search - Images

- » Tool that searches openly licensed and public domain works to be discovered and used by everyone
- » Best for finding images to use in presentations and other projects
- » <https://ccsearch.creativecommons.org/>

Source: <https://ccsearch.creativecommons.org/about>

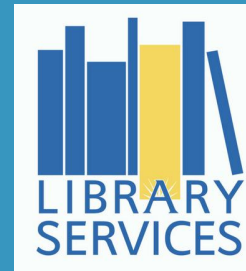
# Legal use of Google Images

- » Assume that any image returned from a Google search is protected by copyright
- » Image Tools → Usage Rights → Labeled for noncommercial reuse (or with modification)



Source:

<https://www.copyrightlaws.com/copyright-tips-legally-using-google-images/>



# Questions?

Ask your school librarian  
or Jeff Luttrell, Supervisor of Library Services  
x6083 or [jeff.luttrell@apsva.us](mailto:jeff.luttrell@apsva.us)