

## Copyright

Brad Templeton's article, *10 Big Myths about Copyright Explained*, points out that the minute something is written it is protected by copyright law and providing a copyright notice is not required by the owner of the work. (Templeton, 2008)

Copyright law is a very complex subject that can be frustrating to understand, especially for teachers. In today's world of sophisticated technology, the Internet has opened up a wealth of information that is available right through our fingertips. Determining what resources can be used to support lessons, as well as how to use those resources legally, can be a hard task in itself.

According to *Title 17, Chapter 1, 102. Subject matter of copyright: In general of the United States Copyright Law*,

“Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.”

(Copyright Office)

The above quote can be confusing in many areas. For example, resources found on the Internet are not actually tangible, meaning we cannot touch or feel them. So, one might think they are not breaking copyright law when using something obtained from the Internet. Those who do think this way are quite wrong and may end up in jail. As stated in the Library of Congress' *Taking the Mystery out of Copyright*, “Copyright protects texts and pictures on websites just like books, CDs, DVDs, and works in other media are protected. You might not see a copyright notice on a website, but that doesn't mean you are free to copy what you see and hear.” (Congress, 2011)

According to The Copyright Site, the three main copyright issues that teachers need to understand are Public Domain, Fair Use, and Intellectual Property. The Public Domain is where all copyrighted works go after a certain amount of time, making them freely usable by the public. “Anything published before 1923 is in the public domain.” (The Copyright Site) So here is another issue that can be confusing. If anything published before 1923 is in the Public Domain, does that also include digital copies of documents, images, and so on that were published prior to 1923 as well? I have researched this question for hours and could not find anything that suggested otherwise. Therefore, I would think that the answer is yes. However, it is always best to make sure. I did a search for the Declaration of Independence in the Library of Congress Website and came up with the link below that includes all information about the image, as well as a link to obtain a high-quality digital copy. When visiting this page, click on the small link above the thumbnail image titled “Rights and Reproductions” to view any copyright information available.

### [The Declaration of Independence](#)

Fair Use is a provision stated in the Copyright Law which provides limited use of copyrighted material for teaching purposes without having to obtain permission from the actual owner of the material being used. The

key words pertaining to “Fair Use” are “limited use.” What that means is that teachers are only permitted to use a certain amount of each resource. Not the entire piece of work.

When reading Education World’s five part series titled, “*The Educator’s Guide to Copyright and Fair Use*, I came across a statement that really stuck out to me; “If you properly quote and/or credit a work’s author, experts say, you cannot be accused of plagiarism, but you may still be accused of copyright infringement.” (Starr, 2010) It may be best that teachers take that statement into consideration when guiding students concerning copyright laws. Kent State University’s *Copyright Guidelines* for teachers point out that, “Users of copyrighted material must include a notice that certain materials are included under the fair use exemption of the U.S. copyright laws. They should also extend credit for the sources of any materials used.” (Kent State University, 2011) While this is important for teachers to practice, it is equally important for students to practice as well.

Intellectual property is described by the United States Patent and Trademark Office as an imagination made real. “It is the ownership of a dream, an idea, an improvement, or an emotion that we can touch, see, hear, and feel. It is an asset just like your home, your car, or your bank account.” Intellectual property can be protected in one of four ways, which include patents, trademarks, copyrights, and trade secrets, depending on the type of intellectual property. (United States Patent and Trademark Office , 2006) The Copyright Site states that, “Intellectual property is like any other kind of property in that it can be bought or sold, and like any other type of property, the owner has the right to control how it’s used. The main difference between intellectual property and “real” property is that it is intangible. In order to be protected, it must be expressed in some tangible form.” (The Copyright Site)

So what do they mean by “fixed tangible form” really, and does it cover digital resources stored on the Internet?

Finding the correct answer and appropriate explanation for the above question wasn’t easy. However, the best answer I could find is as follows:

While the United States Copyright Office states that "Copyright protects 'original works of authorship' that are fixed in a tangible form of expression", its *Circular 1: Copyright Basics* also states that, “The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device.” Also, “original works of authorship” include “literary works, musical works, including any accompanying words, pictorial, graphic, and sculptural works, motion pictures and other audiovisual works, and sound recordings”, just to name a few. (U.S. Copyright Office, 2011) So, since all these “original works of authorship” can be digitally copied to be “communicated with the aid of a machine or device”, one should not assume that they are located in the public domain. Taking this explanation into consideration makes the quote taken from Title 17 of the United States Copyright Law mentioned earlier, more understandable.

**Notice:** Certain materials in this project are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the multimedia fair use guidelines and are restricted from further use.

## Bibliography

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