



Copyright and Fair Use Tip Sheet

The Internet is not “free.” You should assume that all materials found on it are copyrighted.

Copyright is the exclusive right of a creator to reproduce, prepare derivative works, distribute, perform, display, sell, lend or rent their creations. It is an “intellectual” property right of the creator of the work and covers:

1. Literary works
2. Musical works
3. Dramatic works
4. Pantomimed and choreographed works
5. Pictorial, graphic and sculpted works
6. Motion pictures and audiovisual works
7. Sound recordings

Fair Use is a legal concept that allows the reproduction of copyrighted material for certain purposes without obtaining permission and without paying a fee or royalty. Purposes permitting the application of fair use generally include review, news reporting, teaching, or scholarly research. The idea of fair use originally arose for written works. But with the advent of digital technology and the Internet, fair use has sometimes been applied to the redistribution of musical works, photographs, videos, and computer programs. The four *Fair Use* exemptions are:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for or value of the copyrighted work

The **Public Domain** includes those creative works no longer protected by copyright, which may be freely used by everyone. This includes any work published in the United States before 1923 or those published before 1964 whose copyright was not renewed.

General Fair Use Guidelines for Student Multimedia Projects

- Use only lawfully acquired copyrighted works or self-created works.
- Be sure that any pictures, files or text you take off the Internet say that you may use them, or write the webmaster/artist/author for permission.
- Follow the 10% rule of thumb. Ask your library media specialist or teacher if you have questions about how much of a song, video, picture or poem you can use. Scanned images cannot be modified.
- Acknowledge all your sources with a bibliographic citation.
- On the opening screen and on any print materials, you must put a notice that *"certain materials are included under the fair use exemption of the U.S. Copyright Law, have been prepared according to the educational multimedia fair use guidelines and are restricted from further use."* (Walters, 1998)
- The product can only be used within the classroom setting.
- Fair use ends when you lose control of the product's use, such as when it is accessed by others over the Internet.
- If there is a possibility that any multimedia project incorporating copyrighted materials may be shared more broadly, such as over an internet site, whether or not as commercial product, it is strongly recommended that you obtain permissions during the development process for all copyrighted portions rather than waiting until after completion of the project.
- Only 2 copies of the product can be produced for use. One copy can be saved in a portfolio.

Adapted from *Multimedia Copyright Guidelines for Students*
<http://www.hazelwood.k12.mo.us/~jdarnell/webq/>