

Copyright Update

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What is Copyright?

- It is the right the creator of something (print, video, audio, web, etc.) holds as its owner.
- It prevents others from making money off something someone else created
- It prevents others from making illegal copies of something to avoid having to pay for it
- It prevents others from claiming that something someone else created is theirs.
- It is inherent in the creation. It is not something people have to apply for. Neither does it have to have the "c" printed on it.

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Dr. Carol Simpson Presented in NISD

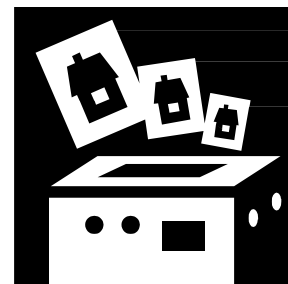
All librarians, most CITs, a few principals and district level employees, and one subject specialist attended the September 5 copyright workshop presented by Dr. Carol Simpson. Dr. Simpson had 7 lengthy handouts and gave permission for each campus to copy any 2 of them after emailing her which 2.

Condensed content from her handouts will be provided in this quarterly newsletter, which will also have a FAQ section. Please note that many copyright questions can be answered from various web sites soon to be posted on the Library Services web page and from Dr. Simpson's book, *Copyright for Schools: A Practical Guide*, 3rd edition, published by Linworth Publishing, which can be found in

campus libraries and at NAC.

The intent of Dr. Simpson's workshop was to educate employees of Northside about copyright law. As you may know, NISD received a "cease and desist" letter this summer from the Software Association about reported non-adherence to copyright in respect to computer software.

It was/is not the intent to make librarians or CITs copyright "police". While the librarians can help educate teachers about copyright and Fair Use, because that is part of their training and job responsibility, the enforcement of copyright on a campus is the responsibility of the principal.



Dr. Simpson is a professor at the University of North Texas and author of *Copyright for Schools: A Practical Guide*, 3rd edition, published by Linworth Publishing.

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What is the Big Deal?

Copyright suits can cost districts thousands of dollars.

None of us would steal someone's car. Why would we steal their words?

Educators need to model correct behavior or we will have thousands of students who grow up not knowing what is right.

Copyright and AV Materials (Videos Included)



There is a “fair use” exemption for schools when using AV materials. If the school can answer “yes” to **all the following questions**, then they can show the video. If not, they need to seek *permission* to show it.

1. Are you a non-profit institution?
And...
2. Is the performance (video) presented by instructors or pupils?
And...
3. Does the performance (video) occur in the

course of face-to-face teaching activities?
And...

4. Does the performance (video) take place in a classroom or similar place for instruction (including the library)?
And...
5. Is the performance (video) a legally acquired (or legally copied) copy of the work?

What is Fair Use?

Fair Use is the legal way educators can copy or use *some* things, or portions of things.

“Many videos have been purchased with public performance rights.”

Q: It’s a rainy day and the kids can’t go out to play. May we show a video in the gym?

A: It depends on the video. Many videos have been purchased with public performance rights. If it is one of those, it is fine. If it is something rented from Blockbuster (which is a legally acquired copy as per #5 above) it is not legal because of #3 above.

Q: What can I do to legally show a Blockbuster Video?

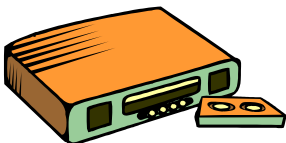
A: If you are using it for face-to-face instruction in a classroom or library and the instructor is showing it, it is legal, as per “fair use”. It is when you show it to a large group (like a PTA meeting baby-sitting group) that it becomes a copyright violation. You would need to purchase rights for public performance. There are several ways to do this:

- Some catalogs where librarians purchase education videos give the rights with purchase.
- There is a company

(Swank Motion Pictures) from which public performance rights for a single showing can be purchased for \$100-\$250 per showing. With the license you buy from them you get the ability to charge admission if you wanted to use it for a fundraiser.

every year for the rights to show public performances of such companies as Disney, Warner, Touchstone, Hollywood, Columbia, TriStar, Paramount, Universal, DreamWorks, MGM, and United.

Ordering information on page 4.



Q: If it says, “Home Use Only” can I legally show it?

A. Even if it says “Home Use Only”, as long as you can answer yes to the 5 “fair use” questions above, it is OK for showing instructionally. Again, it is when you show it for public performance, as opposed to instructionally, that it gets out of the “fair use” realm.



Q: What does *Public Performance* Mean?

A: Public performance means you are not using it for face-to-face instruction. Examples of public performance include showing videos for PTA meetings, for after school daycare, for rewards, etc.

“Even if it says ‘Home Use Only’ ... it is OK for showing instructionally [in face-to-face instruction].”

Q: If we studied Indians in September can I show Pocahontas to the entire 4th grade in May?

A: Probably not. If you had shown it in September and the entire 4th grade had been studying Indians at that time, it would have related to the instruction, with planned activities in the lesson plans. In that case it would have been OK. Remember, though, that Northside has its own rules about the showing of videos. Those can be found on the Internet under Board Policy [EFE LOCAL] and on the Intranet under Administrator Regulations [INS-03-II-B].



NISD

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Future issues will include copyright information about print, music, web, PowerPoint, and other topics. Please email copyright questions to Jana Knezek (janaknezek@nisd.net) or ask to borrow your library's copy of Copyright For Schools: A Practical Guide, 3rd. Edition, by Dr. Carol Simpson.

Library and Textbook Services
<http://www.nisd.net/libww/Library/libraryhp.htm>

For Additional Information

Swank Motion Pictures, from which public performance rights for a single showing can be purchased may be reached at mail@swank.com or 1-800-876-5577.

Movie Licensing USA sells annual public performance rights at this approximate fee structure and can be contacted at 888-267-2658:

Enrollment	Approx. Annual Cost
0-150	\$275
151-300	\$325
301-500	\$350
501-1000	\$375
1001-1500	\$400
1501-2000	\$425
2001+	\$450

The U.S. Copyright Office URL is:

<http://www.loc.gov/copyright/>