Can I use material I found online for teaching or school work?

There is a lot of confusion. What can a teacher do, to not infringe on copyright and model for their students digital citizenship, information and media literacy? What are guidelines for students to create, remix and learn with presentations and other multimedia projects?

A NEW ERA OF COPYRIGHT CONSCIOUSNESS

Today, we have ubiquitous digital access, ease of duplication and distribution of information. We encourage students and faculty alike, to write, record and film, for global audiences, thus ushering in a new era of copyright consciousness. Everyone has rights and responsibilities.

Copyright
All original work is protected under copyright when it is created. No further action is required by creator.

Creative Commons
CC licenses allow creators to communicate which rights they reserve, and which rights they waive for the benefit of recipients or other creators.

Public Domain
Public Domain consists of works that are publicly available, works that are unavailable for private ownership or are available for public use.

Fair Use
Fair Use is not law, but it is a legally defensible position based on balancing four factors: nature, amount, purpose and effect.
Copyright Flowchart

DO YOU WANT TO CREATE YOUR OWN MEDIA?

Yes

Go ahead & license

Creative Commons

No

Start searching

Do you want to spend money?

Yes

If you can't find any copyright notice for the media in question, you have to assume it is copyrighted.

Search & Find

Is media copyrighted?

No

No licensing obvious? Assume copyright

Can you obtain written permission?

Yes

Use AFTER receiving written permission

Do you want to claim Fair Use?

No

Don't Use it

Stop

No

Purchase Media

Copyright

ATTRIBUTION

 Attribution

 Attribution, Share Alike

 Attribution Non-Commercial

 Attribution, Non-Derivative

 Attribution, Non-Commercial, Share Alike

 Attribution, Non-Commercial, No-Derivatives

 Is media in Public Domain?

 Yes

 Use it

 Is it Creative Commons?

 No

 No

 When in doubt, ask permission or don't use the work

 to model for students, consider labeling media: "used under Public Domain"

 Is it Creative Commons?
Use it

No licensing obvious?

Claiming Fair Use is always a case by case decision. This flowchart is just a guide to help you.

Don't Use it

Check the Terms

Will you share media online or distribute beyond classroom?

Consider FUTURE use of the work. (Might you want to share or distribute your work in the future?)

The Fair Use Guidelines were written BEFORE the World Wide Web.

You can make photocopies for your students to use in class, but cannot make a pdf file, upload and share on your classroom blog for students to download.

You can use a curriculum handout or student activity (created by someone else) in your classroom, but you cannot share it on your classroom website.

In some cases, this will mean using a clip or excerpt. In other cases, the whole work is needed.

Use portion of work that contributes to educational goals & purposes

Whenever possible, educators should provide proper attribution and model citation practices that are appropriate to the form and context of use.

Give credit to original creator of media

Fair Use DOES NOT apply, if the goal is to establish a mood, convey an emotional tone or exploit popular appeal. Ex. use of a song as a background music to a video

You can't claim Fair Use

The majority must
The spirit of the copyright clause in the U.S. constitution is to encourage creativity, innovation, and the spread of knowledge. It is intended to inspire individuals to contribute what they create to society. Copyright protection ensures that consumers are not able to pass off the work of others as their own, or reproduce, change, distribute, perform/display publicly without permission of the creator.

We suggest you create, don't copy. The creator always holds the first copyright (until it is legally transferred) and may use the work in any way.

When this is not possible, use works from the public domain (copyright expired or given away) or those registered with more flexible licensing agreements through sites such as Creative Commons. Even here, source citation is always essential.

If nothing besides the original work is sufficient, receive permission from the copyright holder.

When none of these are viable possibilities, educators (along with journalists, commentators, critics, scholars, and researchers) have the extra option of employing Fair Use rights.

**ENCOURAGE CREATIVITY, INNOVATION & SPREAD OF KNOWLEDGE**

*Ethical Digital Citizens*

**Meryl Zeidenberg**
*LIBRARY COORDINATOR*
@mizeiden

**Silvia Rosenthal-Tolsano**
*MS ACADEMIC TECHNOLOGY COORDINATOR*
@langwitches

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**RESOURCES CONSULTED:**

- Hall Davidson- http://haldavidson.net/charts/guidelines.html
- Learn NC- http://learnnc.org/lp/pages/800
- University of Texas- http://copyright.lib.utexas.edu/ccmcguidelines.html