

# Copyright 101 For School Librarians



# Fair Use is not Unlimited Use

In schools at all levels of education misconceptions by educators exist surrounding The Fair Use Doctrine, This is not a blanket all is free, but an umbrella of questions to guide use in educational settings.



# Umbrella Questions

What is the purpose and character of the use, including if it's use is of a commercial nature or is for nonprofit educational purposes?

What is the nature of the copyrighted work?



How does this use effect the market and value of the copyrighted work?

How much are you using in relation to the work as a whole?

# Common Questions School Librarians Receive



We can't afford to buy a copy for every student, can I photocopy the book?



The movie that I want to show to my class is on my personal streaming service account, can I show it in class?



Our PTO wants to do a movie night fundraiser, can we show a movie we have a personal copy of?

# Resources for School Librarians & Teachers



**Fair Use Evaluator Tool** : put in the information about your project and the tool will help you decide if it falls under Fair Use.



**Knowledge Quest Journal:** Copyright and Librarians in the Digital Age



**ALA Copyright For Libraries Resource Guide:** A collection of information regarding copyright laws.




**U.S. Copyright Office:** Get up to date information on new copyright regulations and issues.



# What's Next?

How will AI effect copyright in schools?

Copyright Office Initiative: examining scope of copyright in works generated by AI and the use of copyrighted material in training.



# Questions?

Get in Touch!

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# Teaching Fair Use & Other Copyright Exemptions

Copyright 101 for K-12 Librarians

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# What is an Exemption?

## Dictionary

Definitions from [Oxford Languages](#) · [Learn more](#)

### ex·emp·tion

*noun*

the process of freeing or state of being free from an obligation or liability imposed on others.  
"exemption from prescription charges"

Similar: [immunity](#) [exception](#) [dispensation](#) [indemnity](#) [exclusion](#) [freedom](#) 

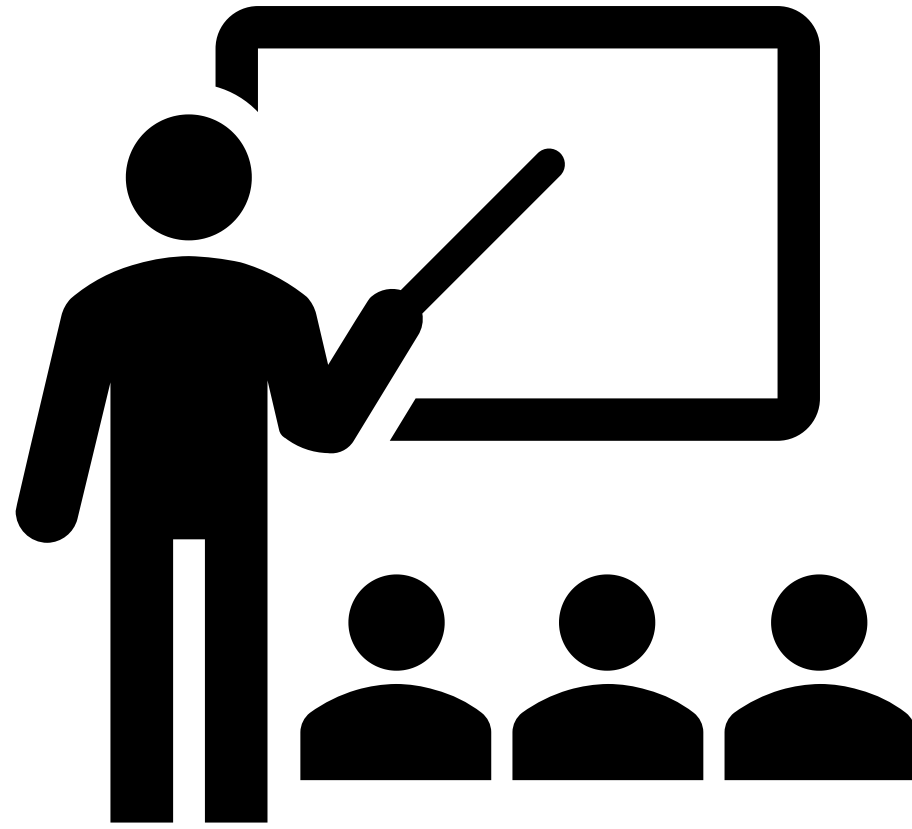
- the process of exempting a person from paying taxes on a specified amount of income for themselves and their dependents.

noun: **personal exemption**; plural noun: **personal exemptions**

- **US**  
an item or amount exempted.  
"a series of exemptions from the partnership tax rules"

#### **TIP** Similar-sounding words

*exemption* is sometimes confused with exception



The Teach Act... in 1 minute

# Teach Act Basics

<https://guides.library.ucmo.edu/c.php?g=704528&p=5002371>

- **17 U.S.C. § Section 110(1) - Classroom Setting**
- *[The Teach Act Section 110(1)] allows for teaching performances and displays of protected works in a face-to-face classroom setting or similar place used for instruction of a nonprofit educational institutions.*
- *[Examples are:] the showing of a film, playing music, performing a play, or projecting images, and other types of performances and displays of copyrighted works in classroom, as long as the work was lawfully acquired.*

# Teach Act Checklist

<https://guides.library.ucmo.edu/c.php?g=704528&p=5002371>

Ready to use the TEACH Act? Use this handy checklist to see:

- My institution is a nonprofit accredited educational institution or a government agency
- It has a policy on the use of copyrighted materials
- It provides accurate information to faculty, students and staff about copyright
- Its systems will not interfere with technological controls within the materials I want to use
- The materials I want to use are specifically for students in my class
- Only those students will have access to the materials
- The materials will be provided at my direction during the relevant lesson
- The materials are directly related and of material assistance to my teaching content
- My class is part of the regular offerings of my institution
- I will include a notice that the materials are protected by copyright
- I will use technology that reasonably limits the students' ability to retain or further distribute the materials
- I will make the materials available to the students only for a period of time that is relevant to the context of the class session
- I will store the materials on a secure server and transmit them only as permitted by this law
- I will not make copies other than the one I need to make the transmission
- The materials are of the proper type and amount the law authorizes
  - Entire performances of nondramatic literary and musical works
  - Reasonable and limited parts of a dramatic literary, musical, or audiovisual work
  - Displays of other works, such as images, in amounts similar to typical displays in face-to-face teaching
- The materials are not among those the law specifically excludes from its coverage:
  - Materials specifically marketed for classroom use for digital distance education
  - Copies I know or should know are illegal
  - Textbooks, coursepacks, electronic reserves and similar materials typically purchased individually by the students for independent review outside the classroom or class session
- If I am using an analog original, I checked before digitizing it to be sure:
  - I copied only the amount that I am authorized to transmit
  - There is no digital copy of the work available except with technological protections that prevent my using it for the class in the way the statute authorizes

# Fair Use Basics

<https://www.library.ucsb.edu/copyright-fair-use-basics>

- Fair use (**[Section 107 of the U.S. Copyright Act](#)**) is an exemption in copyright law that allows people to use works protected by copyright in a limited way and for certain purposes without the copyright owner's permission.
- If you want to use copyrighted material, you should consider whether the use is fair by considering the four fair use factors. This is called a "fair use analysis."
- All four factors must be considered, but there is no magic formula as to which factor carries the most weight because the factors are intentionally broad. Doing the analysis may lower the risks associated with copyrighted infringement, but ultimately, only a court can decide if a use is fair.
- In many instances, it can be important to conduct a fair use analysis before using a work that is under copyright. If the owner of a work sues you for copyright infringement, the fact that you conducted a reasonable fair use analysis could help show that you were not a "willful" infringer.

# Fair Use Basics

<https://www.library.ucsb.edu/copyright-fair-use-basics>

## Refresher: The Four Fair Use Factors

1. The purpose and character of the use
2. The nature of the copyrighted work
3. The amount and substantiality of the portion taken
4. The effect of the use on the potential market for or the value of the copyrighted work

# Fair Use checklist

[https://www.library.ucsb.edu/sites/default/files/attachments/services/course-reserves/limitations-copyright-considerations/SCom\\_fairUseChecklist\\_final.pdf](https://www.library.ucsb.edu/sites/default/files/attachments/services/course-reserves/limitations-copyright-considerations/SCom_fairUseChecklist_final.pdf)

## UC SANTA BARBARA LIBRARY FAIR USE CHECKLIST

This checklist is a tool to help you determine whether your proposed use of a copyrighted work is fair use. The FOUR FACTORS listed in the Copyright Statute (Section 107 of the U.S. Copyright Act) form the structure of this checklist. These factors are only guidelines. Although each factor should be given consideration, there is no magic formula.

Depending on the case, it is possible that even if three factors favor fair use, the fourth factor may be the most important one in that particular case, leading to a conclusion that the use may not be fair. Maintaining a record of your fair use analysis can be critical for establishing good faith. Keep a completed checklist on file for future reference.

Project: \_\_\_\_\_ Institution: \_\_\_\_\_  
Project Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
Prepared by: \_\_\_\_\_

### Purpose

#### Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational institution
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

#### Nature

##### Favoring Fair Use

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

#### Opposing Fair Use

- Profiting from the use
- Commercial activity
- Entertainment
- Bad-faith behavior
- Denying credit to original author

#### Opposing Fair Use

- Unpublished work
- Highly creative work (art, music, novels, films, plays)
- Fiction

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## UC SANTA BARBARA LIBRARY FAIR USE CHECKLIST

Continued from previous page

### Amount

#### Favoring Fair Use

- Small quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

#### Opposing Fair Use

- Large portion or whole work used
- Portion used is central to or "heart of the work"

### Effect

#### Favoring Fair Use

- User owns lawfully purchased or acquired copy of original work
- One or few copies made
- No significant effect on the market or potential market for copyrighted work
- No similar product marketed by the copyright holder work
- Lack of licensing mechanism

#### Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using
- Numerous copies made
- You made it accessible on the Web or in other public forum
- Repeated or long-term use

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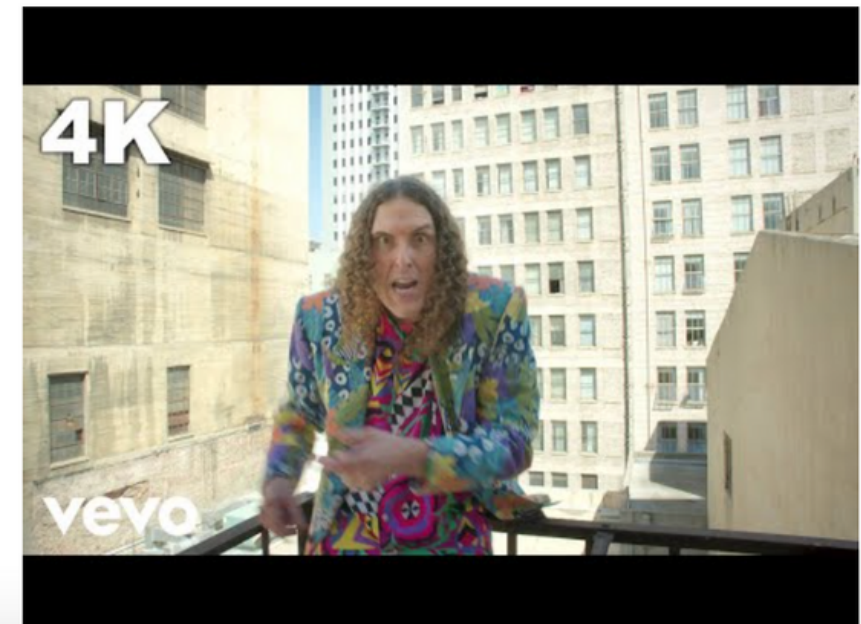
# Fun Fair Use Quiz



Will Pharrell - Happy



Weird Al - Tacky



<https://docs.google.com/forms/d/16O1DU4WAjhWo60XiAXEEZNNOSdpcA7GbSgXcUoRmrRU/prefill>



# K-12 Lesson Plan

## Instructions

1. Partner A: Draw any object (2 minutes)
2. Partner A: Sign your name on your drawing
3. Partner A: Hand your drawing to your neighbor
4. Partner B: Change the drawing (1.5 minutes)
5. Partner B: Cross out Partner A's name
6. Partner B: Write your name instead
7. Hand your drawing back to the original artist

# Discussion

- Whose drawing is it now, and why?
- Is it Fair Use?
- Explain why or why not using the Four Factors.



Questions? Get in touch! [kyra.folk-farber@csuci.edu](mailto:kyra.folk-farber@csuci.edu)

The logo for UCSF Library, featuring the letters 'UCSF' in a bold, white, sans-serif font, followed by the word 'Library' in a smaller, white, serif font. The background is a teal color.

UCSF Library

# Copyright Best Practices & Resources

Copyright 101 for K-12 Librarians

Peggy Tahir, Research & Copyright Librarian

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# Overview

- Copyright best practices
- Copyright information, resources, libguides
- OER and other open access resources and tools
- Finding and using images
- Finding images with Creative Commons licenses
- Creative commons wrap-up

# Copyright Best Practices

- Use Fair Use when using portions of copyright protected materials – conduct a fair use assessment when using these materials
- Use your own original works (make sure you own copyright)
- Take data and create your own visualizations (charts, graphs)
- Use works in the Public Domain
- Use works with Creative Commons licenses
- Use open access (OA) articles and other open educational resources (OER)

# Copyright Information: Core Resources

- Complete copyright for K-12 librarians and educators / Carrie Russell
- Copyright for schools: a practical guide (6<sup>th</sup> edition) / Carol Simpson
- U.S. Copyright Office guide on common copyright issues for librarians (section on classrooms & school libraries from Library of Congress research guide)  
<https://guides.loc.gov/copyright-for-librarians/school>



# Copyright Libguides

- Copyright Resources for K-12 Schools: Books and Videos  
<https://guides.wpunj.edu/c.php?g=364793&p=2464639>
- Using copyrighted work in the classroom (there are some good fair use scenarios here)  
<https://libguides.csusm.edu/copyright/classroom>
- Copyright in the K-12 Classroom  
<https://libguides.utsa.edu/c.php?g=543743&p=3786145>

# Open Educational Resources (OER)

# OER Commons

- Good source of open textbooks
- Explore Hubs, Groups, and Collections
- Filter to age group (elementary, middle school, high school)
- Hubs to explore:
  - School Librarians Advancing STEM Learning
  - K12 Teaching and Learning

# More OER Resources

- Education resources from the Library of Congress  
<https://www.loc.gov/education/>
- Using Public Domain materials in the classroom (NYPL)  
<https://www.nypl.org/blog/2016/01/20/public-domain-in-the-classroom>
- PBS Learning Media (curated videos, lessons, etc.)  
<https://ca.pbslearningmedia.org/>
- Khan Academy (free lessons from K-12 and beyond)  
<https://www.khanacademy.org/>

# Open Access Journals & OA articles

Sources of articles on early childhood education, learning, information literacy

- Directory of open access journals (DOAJ)  
<https://doaj.org/>
- CORE  
<https://core.ac.uk/>
- Digital Commons Network (limit by discipline ~ early childhood education; limit by keyword ~ children, preschool)  
<https://network.bepress.com/>

# Web browser plug-ins and other tools

- Unpaywall - browser extension for Chrome & Firefox
- Open Access Button (OA Works) - helps find a specific article
- EndNote click (formerly Kopernio) – quick PDF access; searches both enterprise articles and OA
- CORE discovery – searches for OA articles; suggests similar articles if no OA copy found
- Open Access helper for iOS – search for OA articles on iPad, iPhone, or iPod touch (download from Apple Store)

# Finding and Using Images

Why are images tricky when it comes to copyright?

- More creative, and you are more likely to want to use the entire image – easier to fail a fair use test
- Use your own created images – get artistic!
- Use images with Creative Commons (CC) licenses
- Use images from the Public Domain or from government webs
- Finding and Using Images <https://guides.ucsf.edu/images>
- Stock image resources from Multnomah Education Service District <https://www.multnomahesd.org/stock-images.html>

# Finding Images with CC Licenses

- Search CC Flickr page <https://www.flickr.com/creativecommons/>
- Search google images and limit to CC licenses
  - Go to google images and search for image
  - From results page, click on TOOLS button (top row)
  - Then click USAGE RIGHTS from the drop-down menu and select Creative Commons licenses
  - When you find an image you like, click to see the terms of the license so you know terms of use
  - If searching for another image, you must select TOOLS (etc.) again!



# Google image search

# Creative Commons

- Share your own works using Creative Commons license
- Find other shareable works with Creative Commons licenses
- Creative Commons in K-12 Education (from Edutopia) - good explanation of CC for librarians & teachers  
<https://www.edutopia.org/creative-commons-k-12-education>

# Thank You!

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