

# **Copyright for Teachers & Librarians in the 21st Century**

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## Dedication

To my husband, Tom, my son, Benjamin,  
and my parents, Betty and Pete Petersen,  
whose support and faith in me  
keep me grounded.

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## Preface

Over the past 15 years, I have conducted copyright workshops, classes, and presentations for teachers; school, public, academic, medical, and special librarians; technology coordinators; school administrators; college students; and other interested parties. They came to these sessions for much the same reason that you picked up this book: they realized the importance and complexity of copyright issues in the classroom setting—and beyond—and wanted help.

*Copyright for Teachers and Librarians in the 21st Century* is largely based on the questions and concerns raised by those in my workshops and classes. Thus, *Copyright for Teachers and Librarians in the 21st Century* is, first and foremost, a handbook on copyright law for teachers, librarians, technology coordinators, administrators, public librarians, and others who work with students. As such, I have chosen to use realistic examples with interpretations of the law from copyright experts in the field. Although reading and interpreting the U.S. Copyright Law for oneself would be one approach, teachers and librarians may choose to use the interpretations from copyright experts given in this book so that they don't have to wade through the law on their own. Because copyright law leaves some gray areas, there may be more than one interpretation to any one question. Since that is the case, I have chosen to give the readers the answer I consider most practical and most applicable in a K–12 school setting. For other concerns, or for further information, you may refer to the law itself, at <http://www.copyright.gov/title17/>.

This book is divided into two practical and necessary parts. Part I introduces the general concepts associated with copyright law. Part II describes the specific applications of copyright law as they affect nine different formats. It is important to use and understand both parts of this book, as they really do speak to each other. Knowing the general concepts will help your understanding and use of the specific applications. In the same way, knowing how copyright applies to your position in education will help you better understand and read the copyright legislation and literature you encounter in your day-to-day work. While you may refer to the chapters of Part II more frequently than Part I, you won't completely understand the information in Part II without having first read Part I.

Through the five chapters of Part I, readers will develop a basic knowledge of the language and provisions of copyright law. Chapter 1, "Introduction to Copyright Law: What Is Copyright?," provides a basic explanation of copyright,

a history of legislation, its importance, how it affects media, and the policies and ethics associated with copyrighted materials. Chapter 2, “Fair Use: When Do You Need to Ask for Permission?,” introduces readers to the four factors of fair use that will help them make the best decisions for using materials, as well as to other parts of the law specifically of importance to educators: the classroom, handicap, and library exemptions. This chapter also provides some information on state copyright laws and on guidelines for the popular educational multimedia materials teachers and librarians often use. Chapter 3, “Public Domain: Is There Such a Thing as Free Material?,” answers questions about one of the most speculated-upon aspects of copyright—public domain materials. This chapter explains public domain, including how something enters the public domain; identifies what media are in the public domain, as well as the relation of government documents to public domain; and discusses how you can identify public domain works. Chapter 4, “Obtaining Permission: How Can You Legally Obtain Use of Works?,” gets to the core and function of this book. This chapter outlines permissions (what they are and how they work) and helps you understand their relationship to clearinghouses and licenses. This chapter also explains how to write a permission letter, what goes in it, and an example of an effective letter. Chapter 5, “Further Important Copyright Subjects: What Other Copyright Issues Do You Need to Understand?,” explains some of the remaining issues, including international copyright law, plagiarism and citation, open sourcing/Creative Commons, and violations and penalties.

Chapters 6 through 12, in Part II, cover specific applications of copyright law to the Internet, including blogs/vlogs, podcasts, wikis, social networking tools, and more; movies, DVDs, CDs, and television; computer and gaming software; music and audio; multimedia; and print works. Although teachers and librarians are familiar with terms such as *media* and *mediums*, for the purpose of this book, I have chosen to use the word *work* to represent these items, as it is the more common term used with copyright law. Each chapter explains fair use, public domain, documentation and licenses, permissions, creation and ownership, violations and penalties, international copyright law, and avoiding copyright problems as they relate to the specific works. These are chapters that you can consult as the issues arise or read over to become more familiar with the formats you use most often. Chapter 13, “Distance Education and Copyright Law: How Is This Different from Applying Copyright Law in a Face-to-Face Classroom?,” discusses the Digital Millennium Copyright Act (DMCA) and TEACH Act and how they relate to the many aspects of distance education. Chapter 14, “Conclusion: What Does All of This Mean for K–12 Teachers and Librarians?,” brings it all together and provides some last-minute advice for avoiding problems, how to deal with pressure to break the law, and how and why to teach students and faculty the importance of copyright law.

Much has changed in technology and education since the 2004 publication of my book *Copyright for Teachers and Librarians*. The pages that follow cover technologies that weren’t even on our radar screens then. Examples include iPods

and other handheld devices (including cell phones that access the Internet); Play-aways; blogs/vlogs; wikis; podcasts/vodcasts; RSS feeds; Ning; Second Life and other Internet world environments; social networking: Facebook, LinkedIn, MySpace, Twitter, YouTube, etc.; social/special interest networking: Shelfari, Goodreads, etc.; Moodle, Skype, and similar digital communication tools; social bookmarking; web syndication; video streaming; TiVo and similar systems; computer/video games/gaming; and open sourcing/Creative Commons.

I have approached copyright concerns for these new resources following the same approach used for others. This successor to my earlier book features 82 flowcharts, of which 19 are new to this edition to help readers handle new media.

Copyright law is seldom emphasized in the college and university education of our future teachers and school and public librarians. As such, it is something that you have probably always been aware of but perhaps have never closely examined. The truth is that copyright is an everyday part of your function as a teacher or librarian, and it requires your full attention and knowledge. This guide is meant to be a quick and thorough look into the implications of copyright in K–12 educational environments. I have answered many of the common questions I have encountered in my workshops, while still expanding and fleshing out this source so that it anticipates even the questions that were not asked. In truth, copyright can help advance the education of our youth. Thus, it is necessary to be aware of the various facets of copyright and use them to your own and your students' advantage.