

# Copyright and Creative Commons for Educators

Liberal Studies and Teacher Education  
CSUDH

## Vocabulary

- **copyright** – The exclusive right to make copies, license and otherwise exploit a literary, musical or artistic work, whether printed, audio, video, etc.
- **trademark** – Any name, symbol, figure, letter, word or mark adopted and used by a manufacturer or merchant in order to designate specific goods and to distinguish them from those manufactured or sold by others.
- **fair use** – Reasonable and limited use of copyrighted material so as not to infringe upon copyright.
- **free expression** – The right of people to express their opinions, thoughts or ideas publicly without governmental interference.
- **intellectual property** – Property that results from original creative thought, as patents, copyright material and trademarks.
- **transform** – To change in form, appearance or structure.
- **copyright infringement** – The use of works protected by copyright law by reproducing, distributing, displaying or performing the protected work, or to make derivative works without permission.

## Questions

- What do you need to know about copyright as a student, future teacher, and creative being?
- What is “fair use?”
- What is creative commons? What are the benefits of using materials or contributing materials through creative commons?
- How do I maintain internet security?

## Understanding Copyright

by Renee Hobbs, Katie Donnelly & Sandra Braman

To understand copyright, it's important to first understand the First Amendment. It protects 5 freedoms, including the freedom to think what you want to think, the right to tell others what you think (freedom of speech & of the press), the right to gather together with others to discuss what you think with each other, and the right to ask the government to change. The First Amendment is designed to promote democracy, further the search for truth, and enable self-expression. The news, history, science, and the arts thus all receive protection under the First Amendment. So do movies, music, videogames and other forms of popular culture – because they all affect our political attitudes and shape how we think, feel and act.

Hobbs, R., Donnelly, K. & Braman, S. (2008). Teaching about Copyright and Fair Use for Media Literacy Education. [Multimedia curriculum.] Available online at: <http://mediaeducationlab.com>

# The Purpose of Copyright

by Renee Hobbs, Katie Donnelly & Sandra Braman

Copyright law builds upon the values of the First Amendment by emphasizing that sharing ideas and information leads to new knowledge & innovation. These ideas about copyright were built into the U. S. Constitution which reads: “The Congress shall have Power...to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

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Policy analysts and legal historians identify several principles that support this approach to intellectual property rights:

- Science & arts – the production of new knowledge & cultural experience are important for society.
- The purpose of copyright is to promote the creation & use of knowledge.
- Congress has the power to grant authors, artists, scientists, & inventors exclusive property rights for the fruits of their labor.
- In order to maximize the social value of new knowledge & cultural works, the duration of intellectual property rights should be limited.
- Making it possible for authors, artists, & inventors to benefit from their intellectual property provides a motivation to produce knowledge for the good of society.
- The rights of authors, artists, scientists, & inventors are granted by Congress and are not intrinsic or natural.

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Copyright law protects works of “intellectual property” – creative expressions of ideas in fixed symbolic form (Patent law protects the expression of novel ideas in the form of objects or processes.) Books, movies, music, paintings, photographs, websites, images, videogames, performances, architecture, and software are among the many types of creative work protected by copyright.

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Copyright initially lasted 14 years, plus 14 additional years if the copyright owner renewed the registration. But the duration of owners’ rights has lengthened over the years. A work created today by an individual author will be protected by copyright for 70 years after the author’s death. Ownership control is even longer if the copyright is for a work commissioned by a corporation – either 95 years from the year of its first publication, or 120 years from the year of its creation.

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As a result, a successful copyright infringement action gives the copyright owner the right to stop someone from printing, performing, sharing or otherwise disseminating the work. Infringing works can be seized and destroyed.

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## The Fair Use Doctrine

by Renee Hobbs, Katie Donnelly & Sandra Braman

Fortunately copyright law has an important exemption, a way to ensure that copyright law does not become a vehicle for preventing uses of copyrighted material in the service of society just because an owner wants to maximize profit. Interestingly, today we recognize that while fair use may diminish profits of a copyright holder to some degree, doing so can simultaneously provide a stimulus to other profitable economic activity & support the information economy.

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Fair use helps ensure that people have access to the information they need to fully participate as citizens. From this perspective, every citizen needs to understand fair use. The fair use doctrine allows users to make use of copyrighted works without permission or payment when the benefit to society outweighs the cost to the copyright holder.

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The fair use doctrine, which is found in Section 107 of the Copyright Act of 1976, states that the use of copyrighted material “for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research” is not an infringement.

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Applying the doctrine of fair use requires a reasoning process, not a list of hard-and-fast rules. It requires the context & situation of each use of copyrighted works. Thus, an extremely important element of the context & situation is the community of practice within which these uses occur.

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## Fair Use in Creative & Professional Communities of Practice

by Renee Hobbs, Katie Donnelly & Sandra Braman

Each professional & creative community applies fair use uniquely, depending on how copyrighted material is used for its own purposes. Community consensus on what is considered to be fair use can provide guidance to people within the community who need to use copyrighted materials freely in order to produce their own work.

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## Copyright And Fair Use Lesson Plans

Find out more about copyright and fair use for educators and teaching at <https://mediaeducationlab.com/copyright-and-fair-use-lesson-plans-high-school-college-and-graduate-education>

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## Students as Producers-Scholars-Creators-Researchers-Performers-Designers

Find out more about students' rights and responsibilities as creators of content.

<https://cft.vanderbilt.edu/2013/09/students-as-producers-an-introduction/>

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## Resources

- Media Education Lab: <https://mediaeducationlab.com/>
- Materials on Copyright:  
<https://mediaeducationlab.com/copyright>

## Music Video on Copyright

- <https://mediaeducationlab.com/music-video-copyright-whats-copyright>

## Link to Copyright PowerPoint

- <https://www.slideshare.net/reenehobbs/copyright-clarity-using-copyrighted-materials-for-digital-learning>

## Creative Commons

<https://creativecommons.org/>

The screenshot shows the Creative Commons website homepage. At the top, there is a navigation bar with the Creative Commons logo and links for "Share your work", "Use & remix", "What we do", and "Blog". Below the navigation bar, a message states "2018-05-25: We have updated our Terms of Service and Privacy Policy." A call to action reads "Help us build a vibrant, collaborative global commons" with a "Donate Now" button. The main content area features the heading "Share, Collaborate, Remix, Reuse" and a sub-heading "We're changing the way people share around the world with our Global Community and 1.4 billion pieces of content under our simple, easy-to-use open licenses." Below this is a video player showing a woman holding a laptop with a Creative Commons logo, with the text "Creative Commons Community from Creative Commons scientists, lawyers, and more." and a "vimeo" logo. At the bottom, there is a section titled "WHAT'S HAPPENING".

## Creative Commons

Website states, “Creative commons helps you legally share your knowledge and creativity to build a more equitable, accessible, and innovative world. We unlock the full potential of the internet to drive a new era of development, growth, and productivity”

Video about creative commons:  
<https://www.youtube.com/watch?v=dPZTh2NKTm4&feature=youtu.be>

## Video

Video about creative commons:  
<https://www.youtube.com/watch?v=dPZTh2NKTm4&feature=youtu.be>

## Example: Google Search for Historic Photos of Los Angeles

- Went to Advanced Search

Then narrow your results by...

language:

region:

last update:

site or domain:

terms appearing:

SafeSearch:

file type:

usage rights:

- Chose-- Free to share or modify
- <https://commons.wikimedia.org/wiki/File:Normandie-Historic-Photo.jpg#filelinks>

## Internet Security

- <https://www.studiesweekly.com/6-internet-safety-tips-for-teachers/>
- <http://www.kathleenamorris.com/2018/07/25/internet-safety-teachers/>