

EXHIBIT A

Copyright & Fair Use Fundamentals

What's the big deal?

Copyright is not just a law - it's in the Constitution of the United States - right after establishing the Post Office, and just before fighting pirates.

It's all good!

Copyright, as set forth in the Constitution, is a positive concept, affirming that our society benefits by encouraging creative and inventive people to make a living from their work.

What's fair use?

As it applies to education, it allows for brief portions of copyrighted materials to be used without permission. Fair use permits one time use (under the assumption that the user did not have time to obtain permission) in face-to-face instruction, as long as credit is given. More information available here:

<http://www.ncwiseowl.org/blog/copyright/FairUse.htm>

Does fair use apply to all educational copyright situations?

User agreements and licenses trump fair use. By using a product or Web site you are automatically agreeing to any restrictions that may govern how you use a document, video, or other material. Most Web sites have user agreements, and similar licenses are common with workbooks, video rentals, music, and so on.

What are the fair use guidelines?

Several committees, anointed by Congress, have established guidelines that provide a "safe harbor" for those who want to claim fair use with the least amount of risk. Check here for simplified guidelines:

http://www.ncwiseowl.org/zones/copyright/Student_Guidelines.html

Assume nothing.

Since 1989 the copyright symbol has NOT been required to indicate that a work is copyrighted. Anything dating from before 1923 is in the public domain, but almost all creative work done since then is automatically copyrighted unless it's specifically designated otherwise.

How can I avoid copyright issues?

1) Request permission - it's easy to do, thanks to email. While a response is not always forthcoming, requesting permission can result in an interaction with the creator that enhances the learning experience for your students.

2) Use licensed works - North Carolina public school teachers and students, for example, have the right to use documents from the subscription databases on NC WiseOwl (www.ncwiseowl.org) for classroom activities and projects.

3) Link to resources on legitimate Web sites - requesting permission to link is a courtesy, but not a requirement.

4) Use public domain works – sources may be found here:
<http://www.ncwiseowl.org/zones/resources/friendlyresources.htm>

What's the biggest mistake I can make?

Putting something online - this not only increases the harm done to the copyright holder, it also exposes you to detection by automatic "Web crawlers" searching for violations.

Will I go to jail?

Fines are the standard penalty. A school in North Carolina, for example, was recently fined \$1000 because a teacher left a licensed picture on a Web page one day over the limit. However, copyright in education is really about modeling ethical behavior and giving credit to those whose creativity enhances our world.

North Carolina educators are able to get answers to their copyright questions by emailing Dan Sparlin (dan.sparlin@dpi.nc.gov). LEA central office administrators may request a free copyright staff development session.

This document may be distributed, without modification, to the North Carolina K-12 education community. Information herein does not constitute legal advice.

© North Carolina Department of Public Instruction, Instructional Technology Division,
2012