What Everyone Should Know About Copyrighted Materials

Did you know that using someone else’s words as your own is a form of stealing? Just as laws protect people’s property, they also protect people’s words and works of art. Writing, speeches, and works of art, among other things, are protected by copyrights. According to the U.S. government, copyright is a form of protection provided by law to the creators of “original works of authorship.” These works include literary, dramatic, musical, artistic, and certain other intellectual works.[[1]](#footnote-1) The copyright owner is the only person who has the right to make and sell copies of the work, perform it in public, modify it, and give others permission to use it.

Does that mean that you can never use materials that were originated by someone else? Not at all! Not everything is copyrighted. Some materials are classified as being in the public domain. These include works published before 1923 and those accompanied by a written notice from the author declaring them public domain. Facts, short phrases, and ideas not copyrighted, and most U.S. government materials can be used freely. Also, many generous people have published clip art, animations, and software that they have donated to the public domain.

## The “Fair Use” Provision

In addition to using public domain resources, teachers and students have permission to use some copyrighted materials in the classroom. The 1976 Copyright Act has a special section called “Fair Use.” It allows teachers and students limited use of copyrighted materials, as long as certain conditions are met. If you use only a small portion of a nonfiction work, if you are using it for educational purposes, or if your actions aren’t affecting the author's profits, then you have the right to use it. For example, teachers and students can use some copyrighted material in reports and multimedia presentations.

## Fair Use Guidelines for Educational Multimedia

Do the requirements of the 1976 Copyright Act seem vague to you? Many people felt that the Fair Use provision needed to be spelled out more clearly. A large group of educators, copyright holders, and others worked to develop a more specific set of guidelines called the *1996 Fair Use Guidelines for Educational Multimedia*. These guidelines specify how much of a work may be used, for what purposes it may be used, and how long a student or teacher may keep the project.

Limitations have been placed on the size or portion of a copyrighted work that may be used. Educators and students are allowed up to 10 percent or 3 minutes, whichever is less, of motion media. Text—except for poetry—may be used up to 10 percent or 1000 words, whichever is less. An entire poem under 250 words is allowed as long as no more than three poems by one poet are used. A 250-word excerpt of a longer poem may be used, but again, no more than three excerpts from a single poet are allowed. Music has stricter limitations: no more than 30 seconds or 10 percent, whichever is less, of music and lyrics from one composition are allowed. No more than five images by one artist or photographer, or 15 images from a book featuring different artists, may be used. Syndicated cartoon characters are an exception to this rule; they may not be used at all. In every case, the material being copied must have been obtained legally.

## Obtaining Written Permission

Copyrighted materials can also be used if you get written permission from the copyright owner. For example, a group of students wanted to sing “The Yellow Rose of Texas” and record it on their Web page, but none of them knew how to play an instrument. They found an instrumental version of the song on another Web site that would work perfectly as their background music. They wrote the site’s owner explaining exactly what they wanted to do. He graciously gave permission in writing, and the students were careful to give him credit on their page. Since the song was published in 1853, they did not have to obtain permission to use the lyrics and melody.

## Citing Your Sources

Understanding how and why to cite your sources is very important. Even when not using public domain materials, a good writer always documents all outside sources. Not only is this considered proper netiquette, but it also can be very helpful to a reader looking for more information on the subject. In multimedia projects, these citations all may be placed on one Works Cited page, with the exception of credits for photographs, which must appear with the photograph.

The format for citing Web pages is similar to that for other resources. Start with the author’s name, last name first, followed by a period. Then write the title of the Web page, in quotation marks. If the page is part of a larger site, the name of the site follows next, in italics. After this, list the year the document was created or last updated, if available. Next, give the full URL, including protocol, such as *http*. Finally, in parentheses, give the date you visited the site. Sometimes you will not be able to find all of this information on the Web page; just do the best you can with the information available.

1. “Copyright Basics.” United States Copyright Office. 2002. http://www.loc.gov./copyright/circs/circle.html#wci (6 Feb. 2002). [↑](#footnote-ref-1)