

# COPYRIGHT: WHAT YOU NEED TO KNOW

## Background

- Copyright used to be an obscure branch of intellectual property law. Few people understood it because few people needed to.
- THE INTERNET HAS CHANGED EVERYTHING.  
The Internet has made it possible for any of us to reproduce the works of others or copy and paste content into our works. Just because it's possible doesn't mean it's legal.
- UNIVERSITIES are increasingly being threatened with LAWSUITS for the copyright infringements of their employees.
- This has already happened to UMaine Extension TWICE!!!

## What does copyright protect?

Copyright does not protect ideas or facts. Rather, copyright protects the PARTICULAR ORIGINAL EXPRESSION of ideas, facts, etc. (in words, images, music).

Copyright protection occurs at the moment of creation. That means that as soon as you type an e-mail message, it is protected as yours by law – a copyright notice or registration is not required. So technically, forwarding an e-mail or copying and pasting from someone else's e-mail without their permission is a copyright infringement.

## What about material on the Internet?

*Most content on the Internet belongs to someone, and cannot be used without permission.* It's that simple.

## What about "Fair Use" for education?

Isn't it okay to use things for educational purposes? Well generally . . . **NO.**

*Fair Use* is designed to enable people to use small amounts of the work of others for review, critique, or to support their arguments. It is RARELY OKAY TO REPRODUCE all or most of anything.

The "spur of the moment" factor: Fair Use does permit educators to produce and distribute, in a classroom setting, copies of short articles or stories, or excerpts of longer material, if you have decided to use the material on the spur of the moment and haven't had time to request permission. However, this can only be done with any particular content ONCE.

## What about recipes?

Listings of ingredients, as in recipes or formulas, are not protected by copyright. However, any "substantial literary expression" in the form of an *explanation or directions* for the recipe is protected by copyright. *Collections* of recipes, as in a cookbook, are also protected.

So what do we do when we have recipes that have been given to us with no credit or source? Rewrite the directions for the recipe in your own words, to the extent possible. Also rename the dish if the original recipe has a particularly unusual or original name. But if the dish is called something simple and descriptive like "Bean Soup," don't worry about it.

## **What about using videos and other audio-visual material while teaching?**

Face-to-face teaching exemption: section 110 (1) of the copyright law enables teachers to use (perform) audio visual material without a public performance license (which is required whenever a video is shown outside the home), under the following conditions:

- The use is limited to instructors and pupils in the course of face-to-face teaching activities of a nonprofit educational institution
- The use occurs in a classroom or similar place devoted to instruction, and is limited to students officially enrolled in the course
- The use occurs under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of an accredited nonprofit educational institution
- The video content is directly related and of material assistance to the teaching content

These conditions only apply to performance or display of lawfully made footage, for instance, material purchased or rented from a video store. If the footage was not legally made – for instance, if you have recorded a television program or advertisement – it cannot be or displayed in the classroom.

## **So, what to do?**

### **1) Go for “dot.gov”**

“Dot.gov” sites are published by the U.S. government. All **U.S. GOVERNMENT** information is in the public domain, meaning that it is not copyrighted and **CAN BE FREELY USED**.

But to make matters confusing, material from STATE governments is NOT safe to use. This is because it is up to each state to determine whether or not its works are copyrighted, or whether they are in the public domain. So **dot.gov sites are only okay if the name of a STATE does NOT appear before the dot**.

### **2) If it's not produced by the U.S. government, request permission**

The good news (yes, there is some) is that e-mail has made it faster and easier to request and receive permission from individuals and institutions, if you can find the appropriate person to e-mail. If they have a Web site, chances are they list contacts and conduct a lot of business electronically. So what used to take upwards of a month can now often happen within a week. I am always happy to help people seek permission, provided I have enough advance notice to obtain permission by the time you need the material. This means planning ahead.

**3) USE THE MATERIALS IN THE PERMITTED MATERIALS DATABASE—WE HAVE PERMISSION! Be sure read the permission description and follow any limitations that might apply.**

**4) Help us expand this collection of material that we have permission to use—a collection that all staff statewide can access. Use the permission request form and add to the Permitted Materials database on the Eat Well site on Plugged In: <http://umaine.edu/plugged-in/program-volunteer-resources/eat-well/permitted-nutrition-materials/>**