

CA-2 Social Sciences-Communications

Lowell High School • Mr. DeLossa • Sept. 2009

Copyright / Permissions / Fair Use

1. First you need to look at the code itself. Go to one of the following links and read the code. On a separate piece of paper, write down the four tests for fair use (they are in section 107 of chapter 1 of US Code 17 on copyright):

<http://www4.law.cornell.edu/uscode/17/107.html>

<http://www.copyright.gov/title17/92chap1.html>

2. Using the four tests, decide whether each of the following scenarios represents "fair use" or not. Write your answers on a separate sheet:

A) A student samples five recent songs that he wants to include in a music that he sends into a contest, hoping to get a recording contract with it.

B) A student makes a copy of her CD for a friend who can't afford it.

C) A student reproduces a small part of a newspaper article in a paper about how the press covered a major gang fight in Dracut.

D) A teacher copies a government document in the public domain and distributes it to all of her students.

E) A documentary maker uses small clips from multiple films of Krzysztof Kieślowski in order to explore Kieślowski's pragmatic use of natural elements in his films.

F) A record company re-issues a twenty-year-old song originally issued by a company that has since gone out of business.

G) A not-for-profit church uses images from a famous photographer's book for its annual church calendar.

H) Burtie sees a lovely painting hanging in his friend's parents' house. He takes a digital photo of it, enlarges it, and sells it as an art print.

I) Mary is writing a book about the art of Wassily Kandinsky. She scans a series of recent art postcards and includes them in her book.

J) Lady Gaga includes two stanzas from a poem that she loves by Maya Angelou in a song that she writes.

K) Bob the Builder has an author's permission to make a screenplay from his book. The rights for electronic media belong to the publisher. Bob goes ahead with the screenplay, because the author says it's okay.

L) Joni LaRoni finds a book copyrighted 1951 that has the perfect archival material for her photo spread. The publisher is out of business and the author is long dead. She searches the LOC copyright database and cannot find anything about the publisher or the book there. She goes ahead and uses the material.

HEY! What's the "LOC copyright database"? Well, it is a database at the Library of Congress. The Library of Congress is the agency in the United States at which copyrights are **registered**. When a copyright is registered, it has firmer legal standing. It is easier to defend. Most books, records, movies, etc. are deposited at the Library of Congress in order to be registered. To find out who owns a copyright for an American piece of work, you can check the database at the LOC. To take a look at it, click the following link:

<http://www.copyright.gov/>

At this site you will find more information (and an FAQ) on copyright basics. You also will find a search engine for copyright records. Follow that link ("Search copyright records"). First, read the article "How to Investigate the Copyright Status of a Work" (you have to click on "About the Catalog" first) and answer the following questions on your separate sheet:

1. How many different laws or treaties might be involved in a copyright search? ("A Few Words of Caution about Copyright Investigations")
2. How much does it cost per hour to get the Copyright Office to look stuff up for you? (Searching by the Copyright Office)
3. If it looks like you have fair use of something or it is in the public domain (not copyrighted) in the U.S. does that mean you are home free in other countries, too? (Protection in Foreign Countries)

Once you finish these three questions, go back to: <http://www.copyright.gov/records/> and search for "DELOSSA". What do you get? (It won't be me...) What about this record tells you that you might have had problems finding out who owns the copyright? (Hint: think about the "author" of the work as it originally appeared.) Once you have figured out the issue, re-do the search with the other name and see what you get. What problem do you run into? How do you think you'd resolve this problem if you started with the pseudonym first?

Next, look up the copyright for LOTR, the movie. What do you find? Was it easy to find? What did you use to find it? Who owns the copyright to the movie(s)?

Finally, look up "Hey Ya" by Outkast. If you found it, how? If not, what do you think you need to do? Who owns the copyright to the song?

PERMISSIONS

Now it's time to take a look at getting permissions. Go to <http://www.arista.com/> and see if you can figure out how you'd get permission to use "Hey Ya!" on the Morning Show. Is it easy? Where do you have to go to find out about permissions? What will you have to do to get permission to use the song.

Next, go to New Line Cinema to find out how you would get permission to use a clip from LOTR: <http://www.newline.com/>. Is it easy? Where do you have to go to find out about permissions? What will you have to do to get permission to use the clip.

Next, go to Harvard University Press: <http://www.hup.harvard.edu/>. Let's say you want to use pictures from a book by E.O. Wilson. Can you find a place on this site to contact someone about permissions? If you find a page about permissions, print it out. It is a good overall guide for what you need to include for a request.

Now, write a letter requesting permission to use three photos from E.O. Wilson's book *The Ants* (Cambridge, MA: Harvard University Press, 2000). The three photos are from pp. 27, 87, and 104. They are critical for your project. Once you have written your letter (to HUP's standards), save it, then print it out to include with your other answers.

PLAGIARISM

The final thing we need to revisit is plagiarism. This is an *intellectual* issue as much as a legal one. Go to <http://science.widener.edu/svb/essay/plagiar.html> and read the article there. In one paragraph (type it or write it by hand and include it with your other work) write what you think plagiarism is and how you will avoid it in your own work.

WHEW! THAT'S IT.

We will revisit these issues as problems arise. Until then, you should have a pretty good foundation for beginning your work.