

# The Weekly Update

from SD State Library School Library Services

March 14, 2022

## Copyright Matters!

Copyright laws seem like they should be common sense, but they are often times confusing. There are rules to copyright, though, and it is important to make sure you are always in the clear. As the information literacy experts in your schools, it is also important for you to be able to pass along this information to your teachers, students, and administrators.

Here are some terms and definitions you may want to become more familiar with:

### Copyright

An exclusive legal right given to the creator or an assignee of an original work of authorship that is fixed in any tangible medium of expression currently known or later developed. In the United States, a copyright is not dependent upon registration of the work. Exclusive owners of a copyright may provide a license to another party to create copies of the work. Protection does not extend to an idea, procedure, process, system, principle or discovery.

### Fair use

Fair use is a critical right that permits the public to use portions of copyrighted material without permission from the copyright owner, under certain circumstances, to engage in a wide variety of vital activities. It enables new technologies, and is a cornerstone of free speech, creativity and the economy. Fair use industries account for 16% of the U.S. economy and generate \$5.6 trillion in annual revenue. Examples of fair use include educational use, search engines, internet memes, parody and quoting from a news article or academic study. Fair use also allows people to make entirely new uses of copyrighted works that courts and Congress have never contemplated. In the U.S., it is codified under Section 107 of the Copyright Act and has been interpreted broadly by our judicial system.

The four factors used to determine if something is protected by fair use include:


1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole;
4. and the effect of the use upon the potential market for or value of the copyrighted work.

## Public domain

The public domain includes creative works that are not subject to copyright because their copyright has expired, as well as aspects of copyrighted works—such as their underlying ideas—that are not subject to copyright. The public domain is a critical source of creativity, inspiration and innovation for creators. Works and ideas in the public domain belong to the public and their use does not violate copyright. Public domain works like Homer’s Odyssey, the Bible, and Shakespeare’s plays are the basis for modern storytelling, and even Hollywood has used the public domain to create countless works. For example, Mary Shelley’s Frankenstein has inspired everything from 2015 film Ex Machina to Mel Brooks’ Young Frankenstein to The Munsters to the “Monster Mash” song, along with dozens of books, video games, TV episodes and comic book characters. In 2002, prominent economists including Milton Friedman, Ronald Coase and Kenneth Arrow found that the public domain benefits the economy.

*\*Definitions from re:create: Innovators, Creators and Consumers United for Balanced Copyright.*

To learn more about copyright in the school setting, join us for our [Copyright Matters webinar](#) on March 16. Click the picture below for more information and to register.



*SDSL School Library Webinar*

# **COPYRIGHT MATTERS**


WITH PRESENTERS  
ELIZABETH FOX - GOVERNMENT DOCUMENTS LIBRARIAN, SDSU  
MICHAEL BIONDO, ELECTRONIC RESOURCES & SCHOLARLY  
COMMUNICATIONS LIBRARIAN, SDSU

*Wednesday, March 16 11am CST/10am MT*

REGISTER

## Copyright and Content Use in K-12

I recently attended this webinar that shared wonderful information about copyright in our schools. They encouraged us to share the recording, so I am! I hope you find it useful.



The screenshot shows a webinar interface. At the top, there are two video thumbnails: one of Chloe Duchesne and one of Tim Bowen. Below them is a large white play button icon. The webinar title is "Copyright and Content Use in K-12: Incorporating High-Quality Published Content in Curriculum and Instruction". The date is "Tuesday, February 22, 2022". The logos for edWeb.net and the Copyright Clearance Center (CCC) are in the top corners. Below the title, there are two speaker profiles. On the left is Chloe Duchesne, Educational Services Coordinator at CCC, with a LinkedIn link. On the right is Tim Bowen, Senior Director of Information Content & Solutions at CCC, with a LinkedIn link. At the bottom, it says "Connect with Professional Learning & Practice community members: [www.edweb.net/pd](http://www.edweb.net/pd)".

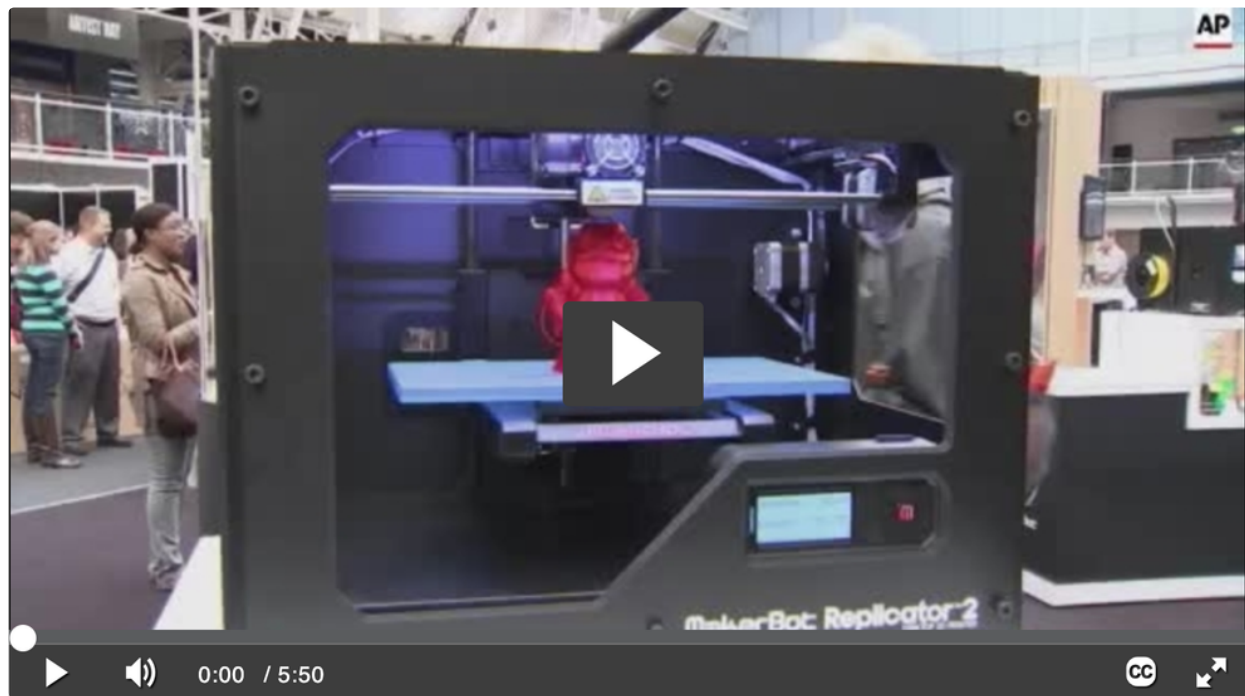
Chloe Duchesne  
Educational Services Coordinator  
Copyright Clearance Center (CCC)  
LinkedIn [Chloe Duchesne](#)

Tim Bowen  
Senior Director  
Information Content & Solutions  
Copyright Clearance Center (CCC)  
LinkedIn [Tim Bowen](#)

Connect with Professional Learning & Practice community members: [www.edweb.net/pd](http://www.edweb.net/pd)

## 1 Video About Copyright Concerns in 3D Printing

With many of our school libraries now housing STEM labs and possibly having 3D printers, we will have to consider copyright laws as they relate to this technology. Below is a video one of SDSL's free databases - [EBSCOhost's Teacher Reference Center](#) - from which you can learn more.



## 2 Copyright Tools from ALA

### [Public Domain Slider](#)

The Public Domain Slider is a tool to help determine the copyright status of a work that is first published in the U.S.

### [Exceptions for Instructors eTool](#)

The Exceptions for Instructors eTool guides users through the educational exceptions in U.S. copyright law, helping to explain and clarify rights and responsibilities for the performance and display of copyrighted content in traditional, distance and blended educational models.



### 3 Websites for Fair Use Images



Flickr Commons



Open Clipart

**Unsplash**

Unsplash



Upcoming Learning Opportunities



SAVE THE DATE!  
July 2022

MORE INFO



# EXCITE!

Exchange. Create. Infuse. Transform. Energize.  
2022 Theme: INFORMATION LITERACY



## COLLECT



## CONNECT

BECOME A MEMBER



The SD State Library's Collect + Connect Facebook Group is for SD School Librarians! Join to share your ideas and photos, ask your questions, reach out for advice, and discuss all of the awesomeness that happens in your library!



## ..from SDSL School Library Services

The Weekly Update is a correspondence from the South Dakota State Library focusing on current topics in school libraries, best practices, resources, professional development, and more.

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