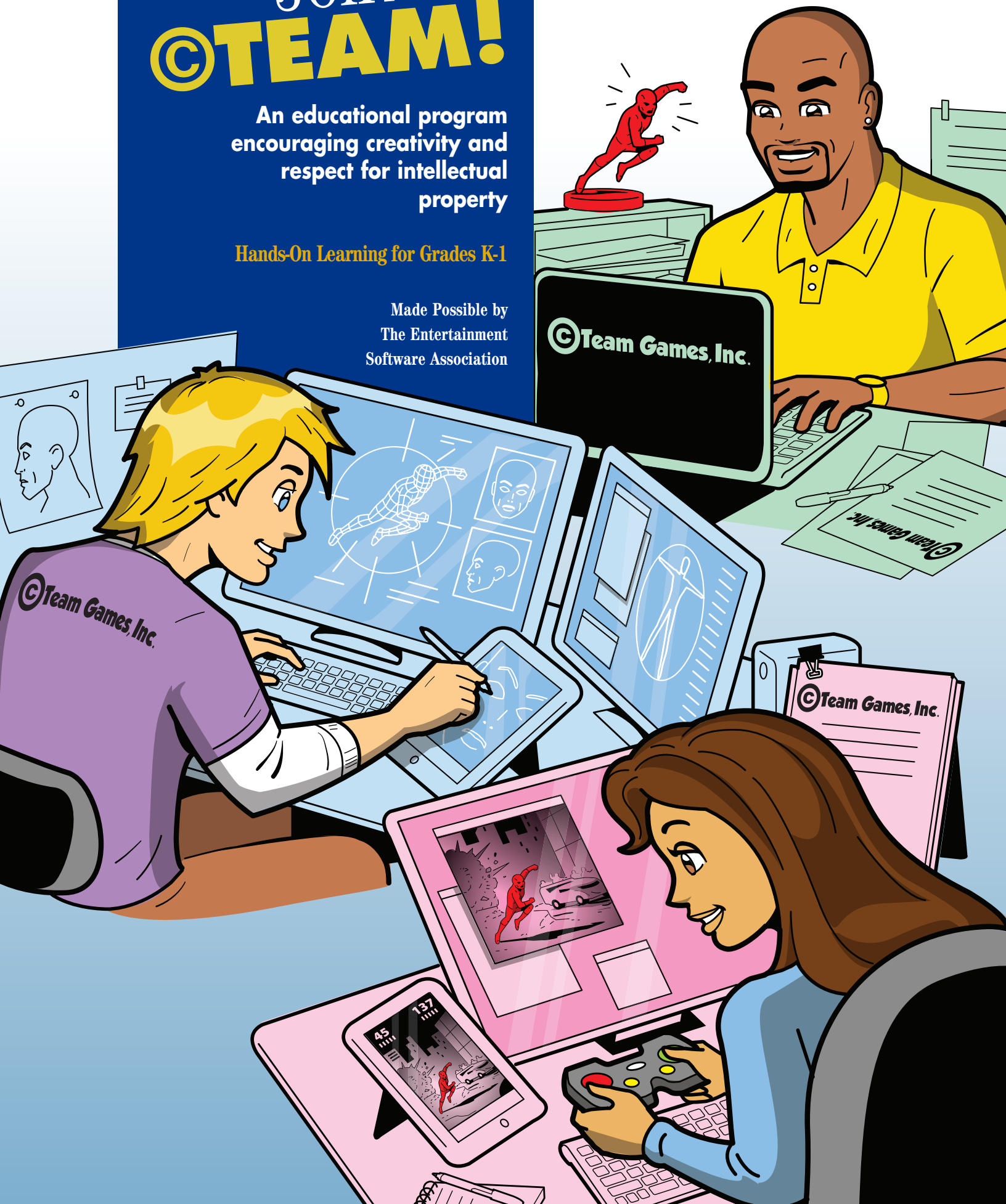
Join the ©TEAM!

An educational program encouraging creativity and respect for intellectual property

Hands-On Learning for Grades K-1

Made Possible by
The Entertainment
Software Association



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Join the ©TEAM!

Introduction

Join the ©Team (pronounced see-team) introduces students to the concept of copyright and the importance of respecting the intellectual property rights of others through engaging classroom activities and hands-on projects designed to give them a firsthand understanding of the natural connection between copyright and creativity. Working individually and in collaboration, students apply their artistic and language arts talents to create original works in print and on the computer, gaining experience with the creative process and expanding their research and communications skills along the way. At the same time, students learn basic lessons in respect for intellectual property rights, including the rules for avoiding plagiarism in their school work, and discover the intrinsic value of copyright by becoming copyrighted creators themselves.

Target Audience

Join the ©Team is a comprehensive program designed for students in grades K-5. It consists of three self-contained lesson sets, one for grades K-1, one for grades 2-3, and one for grades 4-5. Each lesson set includes classroom activity sheets designed to introduce basic concepts and creative hands-on projects that empower students to explore these concepts in print and on the computer. All three lesson sets are available for download on The ©Team website at www.jointhecteam.com.

Program Objectives

This educational program is designed to:

- Raise awareness of the value and importance of intellectual property.
- Teach students the meaning of the copyright symbol.
- Provide basic guidelines for avoiding plagiarism and copyright infringement.
- Encourage artistic and language arts creativity.
- Reinforce research and communications skills.
- Support computer skills and technology education instruction.

Program Components

- **Teacher's Guide:** This guide includes:
  - An outline of educational objectives.
  - Directions for using the program materials.
  - Self-contained lessons for grades K-1 with step-by-step instructional guidelines.
  - Reproducible worksheets and templates.
  - Background information on copyright and intellectual property issues.
  - A list of additional resources.
- **Wall Poster:** A colorful addition to your classroom, designed to provide long-term reinforcement of the program's lessons.
- **Stickers:** A reward for students that formally acknowledges their creative work as copyrighted intellectual property.
- **Online Resources:** A collection of templates, and other resources designed to support this program, including complete lesson sets for all grade levels available for download in PDF. Please visit The ©Team website at www.jointhecteam.com to review these resources.
- **Take Home Booklets:** Designed to involve parents in the learning experience and provide students with additional reinforcement at home. Please contact YMI at (203) 786-4909 should you need more copies of this brochure.



Using The Program Materials

- **Before you begin** preparations for your own class, make a master copy of this teacher's guide to share with other teachers in your school. You have permission from the copyright holders to reproduce all components of the program for educational purposes.
- **Review the lesson set** to familiarize yourself with its organization and objectives. The unit begins with a worksheet activity that introduces the concept of copyright and alerts students to basic rules for respecting intellectual property rights. Students then learn the value of intellectual property firsthand by creating their own copyrighted projects, both in the traditional realm of print media and in the interactive world of digital media. The lessons are designed for use in the order presented, but you can vary the order (or mix in lessons from other grade levels) to meet the interests and abilities of your students.
- **Refer to the curriculum connections chart** for ideas on how you can integrate this program into a variety of subject areas at your grade level. The program is designed to reinforce critical thinking, collaborative learning, and communications skills that are important to meeting performance standards across the curriculum, and its projects can be easily tailored to topics and occasions already included in your class plans.
- **The instructional guidelines** for each lesson plan provide step-by-step directions for presenting the lesson in class, including questions and answers, discussion starters, and follow-up ideas. We hope you will adapt these suggestions to suit your individual teaching style.
- **See "An Educator's Guide to Intellectual Property"** on pages 12-17 for background information on copyright and intellectual property issues. This overview can provide a useful foundation of knowledge for responding to "what if" questions from your students. But the guide is only a supplement to the program. All the information you will need to address specific points covered in the lesson plans is provided in the instructional guidelines.
- **Complete your preparations** by photocopying the appropriate worksheets and templates to provide a set for each student in your class. Check, too, that you have the listed project materials readily available.
- **Display the enclosed wall poster** prominently in your classroom to generate interest in the program. Plan to keep the poster on display to provide long-term reinforcement of the program's lessons.
- **Introduce the program** by providing students with copies of the enclosed take-home booklet, which informs parents about the program and encourages them to support your teaching objectives.
- **When you complete the program**, please return the enclosed response card with your comments. We rely on your feedback to ensure that our programs continue to meet the needs of educators and students.



Grades K-1

Overview

This lesson set consists of three activities designed to make students aware of the copyright symbol and the connection between copyright and creativity.

- **Activity One** establishes the connection between copyright and creativity by introducing students to the creative people who make copyrighted works, such as books and computer software. Students then go on a copyright scavenger hunt to find this symbol of creative ownership on a variety of items in the classroom and at home.
- **Activity Two** is a hands-on project through which students can experience the connection between copyright and creativity for themselves by producing their own copyrighted greeting cards or posters.
- **Activity Three** is a hands-on project that extends the students' creative ownership experience into the realm of digital media by having them collaborate on producing a copyrighted computer show and tell.

Time Required

Plan to complete this unit over the course of two weeks. Activity One can be completed in a single class period. Activities Two and Three will each require 3 to 5 class periods. Note that you may have to schedule time in your school computer center for Activity Three.

Classroom Materials

The following materials are provided to assist you in presenting these lessons to your class:

- **Join The ©Team!** – A reproducible worksheet that guides students on a copyright scavenger hunt.
- **Greeting Card Template –** A reproducible pattern to aid students in creating their own greeting cards.
- **Computer Show and Tell Template –** A Microsoft PowerPoint® presentation into which you can easily insert images and text for a classroom show and tell; available for download at www.jointhecteam.com.

Class Planning

This unit can be easily adapted to your curricular needs and the needs of your students.

- **Curriculum Connections –** Use the chart on page 5 to integrate the unit's two hands-on projects into core subject areas throughout the school year.
- **Technology Education –** Use Activity Three to meet Grade K-1 technology education performance standards for (1) using a computer mouse and keyboard; (2) using computer technology responsibly; (3) creating multimedia projects in a collaborative context.



K-1 Curriculum Connections

Use this chart to integrate the program's hands-on projects into subject areas across your curriculum.

	Create a Greeting Card or Poster	Computer Show and Tell
Language Arts	• **Holiday Cards** Halloween, Thanksgiving, Martin Luther King Day, Earth Day, etc. • **Vocabulary Cards** Picture on cover, vocabulary word inside; use for guessing game and review. • **Book Report Poster** Portray a favorite character or scene.	• **Alphabet Show and Tell** Show items that match assigned letters; tell their names. • **Story Show and Tell** Show scenes from a fairy tale or fable; tell what happens in each scene. • **Sound-Alike Show and Tell** Show items that match assigned sound (sock, rock, lock); tell their names.
Math	• **Counting Cards** Number on cover, draw that many objects inside. • **Shape Cards** Geometric shape on cover, draw object that has that shape inside. • **Number Awareness Poster** Collage that shows address numbers, phone numbers, digital clock, etc.	• **Pattern Show and Tell** Show scenes that contain patterns (fence posts, window panes); tell about pattern. • **Shape Show and Tell** Show scenes and objects that have geometric shapes; tell what shape. • **Number Awareness Show and Tell** Show item that uses numbers (telephone, speedometer); tell how it uses them.
Science	• **Natural Process Cards** Puppy on cover, dog inside; seed on cover, flower inside; etc. • **Season Poster** Four-part design showing signs-of-the-season scenes. • **Nutrition Poster** Table setting showing favorites from each food group on plate.	• **Habitat Show and Tell** Show animals from a specific habitat (desert, marsh); tell about animals. • **Our Bodies Show and Tell** Show close-ups of body parts (nose, ear); tell what each body part does. • **Animal Family Show and Tell** Show members of an animal family (insects, mammals); tell their names.
Social Studies	• **Community Helper Thank You Cards** Firefighter, police officer, etc., on cover, thank you message inside. • **Family Tree Poster** Drawings and photographs to show three generations. • **Cultural Awareness Poster** Hispanic Heritage Month, Black History Month, Women's History Month, etc.	• **American Heroes Show and Tell** Show famous Americans; tell who they are and what they achieved. • **Transportation Show and Tell** Show modes of travel (boat, balloon, skis); tell what they are. • **World Explorer Show and Tell** Show scenes from other countries; tell a fact about the country.
Art & Music	• **Color Cards** Color swatch on cover, draw objects that are that color inside. • **Mood Cards** Write emotion word on cover (surprised); picture to express that emotion inside. • **Spatial Relations Poster** Multi-part design with scenes to illustrate *on*, *under*, *inside*, *outside*, *beside*, etc.	• **Sing-Along Show and Tell** Show pictures to match song lyrics (Old MacDonald); sing along with slide show. • **Color Show and Tell** Show scene or object that has an assigned color; tell what it is. • **Art Gallery Show and Tell** Show a famous or favorite artwork; tell what it is and why you like it.

Activity 1
Join The ©Team!

Objectives

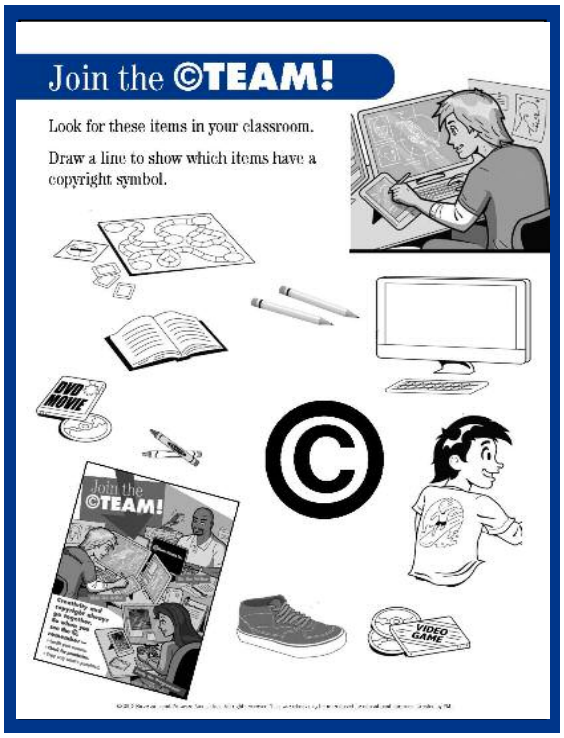
- Identify the creative talents involved in producing books and other copyrighted materials.
- Introduce the copyright symbol and explain its significance.
- Raise awareness of the copyright symbol across a range of creative works.

Materials Required

- Illustrated children's books for class analysis and discussion.
- Student copies of reproducible worksheet.

Time Required

- One class period plus follow-up discussion of homework activity.



Instructional Guidelines

Recognizing Creative Talent

- Begin by giving each student a copy of an illustrated children's book. As they turn the pages, ask them to think about the different people with different creative talents who worked together to make the book.
  - **Who wrote the words?** – The author.
  - **Who made the pictures?** – The artist.
  - **Who put the words and pictures together?** – The designer.
- List these roles on the chalkboard and help students find the name of each person in their books. If the designer is not named (which is likely), ask students to think of other unnamed people who helped make the book, such as the editor and the publisher. Continue to list all the people students can think of who played a part in producing their books.

Understanding Copyright

- Write the copyright symbol (©) on the chalkboard and have students find this symbol at the front of their books. Ask if anyone knows what the copyright symbol means. Explain that it tells when the book was first published and who was responsible for all the creative work that went into making the book. Usually this is the author, since there would be no pictures or pages without the words of the story. But sometimes the copyright belongs to the company that the author and illustrator and everyone else works for.
- Explain that copyright is important because it protects creative work by making it against the law for anyone else to copy that work or use it on their own without permission. It gives creative people a chance to sell their work without having to worry that someone else will copy it and use it for free, or make copies to sell for themselves. It's like a reward for being creative and tells the world who really owns a creative work and has the right to make copies of it.

Join The ©Team

- Tell students that the copyright symbol protects all kinds of creative work, not just books. Then introduce The ©Team by referring to the program wall poster. Explain that these characters represent some of the creative people who make video games. They call themselves The ©Team because copyright and creativity always go together.
- Name the members of The ©Team and have students explain what each contributes to

creating a video game.

- **Rick the Writer –** He creates the story line, situations, and characters in the game.
- **Alan the Artist –** He draws the scenes, characters, and action of the game.
- **Patty the Programmer –** She writes the computer code that makes the game fun and exciting.

◆ Tell students that they are going to join The ©Team on a copyright scavenger hunt. Pass out copies of the worksheet and read the instructions aloud. Then lead students on a search through your classroom for the items pictured on the worksheet. As you find each item, have students examine it for a copyright symbol. When they find the symbol, have them draw a line from the picture of that item to the large copyright symbol on the worksheet. Conclude by talking about the creative people who helped make each copyrighted item you find.

Answers

Items that have a © symbol: board game, book, movie (videotape or DVD), poster, computer disks (video game or CD-ROM), T-shirt image or design.

Items that do not have a © symbol: pencils, crayons, sneakers/shoes, computer monitor. These items might have a registered trademark symbol (®).

◆ For homework, have students conduct a copyright scavenger hunt at home, using the back of the worksheet to draw or name five different items that have a copyright symbol on them. Compile a list of all the things students find and talk about the creative work that went into making each one, and why it is important to protect that creative work with copyright.

Activity 2
Create a Greeting Card or Poster

Objectives

◆ Reinforce awareness of the meaning and value of copyright.

◆ Promote artistic and verbal creativity and enhance communications skills.

◆ Celebrate student achievement.

Materials Required

◆ Greeting cards and/or posters for class discussion.

◆ Student copies of the reproducible card template.

◆ Art supplies.

◆ **You're Part of the © Team!** copyright stickers.

Time Required

◆ Three to five class periods for planning, hands-on development, and follow-up discussion.

Instructional Guidelines

Create a Greeting Card

◆ Begin by having students find the copyright symbol on sample greeting cards. Remind students that copyright and creativity always go together, then ask them to name some of the creative talents involved in producing a greeting card. Students should recognize the work of a writer, an artist, and a designer.

◆ Tell students that they are going to find out what it's like to be copyrighted creators by making their own greeting cards. They will write the words, draw the pictures, and put their cards together to see how much goes into getting a copyright and why it is so valuable.

◆ Guide students through the stages of the creative process as they produce their greeting cards:

1. Choose a topic or occasion for the cards. Use the chalkboard to help students brainstorm images and a vocabulary that fit your topic. Take this opportunity to talk about visual icons and symbols, and to introduce principles of rhyme and versification.
2. Have students sketch their pictures and draft their messages, then divide them into groups for editorial peer review. Encourage positive comments by reminding students that, as editors, it's their job to help make each card as good as possible.

3. Provide students with copies of the card template included with this program and art supplies to make their finished cards. Show them how to fold the template, and remind them to draw their picture on the cover and to write their message neatly inside. Pair students for a final peer review to check format, letter formation, and spelling.

- Conclude by awarding students **You're Part of the ©Team!** copyright stickers to affix on the back of their cards. Have students fill in the copyright date and their names as copyright owners. Discuss the meaning of copyright and invite students to share their feelings about the intellectual property they have created.

Create a Poster

- Follow the steps outlined for the greeting card project. Begin by having students find the copyright symbol on the "Join the ©Team!" poster, then talk about the variety of creative talents involved in producing a poster and the reasons for protecting it with copyright. Tell students that they are going to become copyright owners themselves by creating their own posters.
- Guide students through the stages of the creative process as they produce their posters:
  1. Choose a poster topic or theme. Use the chalkboard to help students brainstorm images and a vocabulary that fit your topic, and to explore the relationship between showing and telling in visual communication. The project can also serve as a basis for lessons in visual design, color values, and effective word choice.
  2. Have students create reduced-scale drafts of their posters, then divide them into small groups for peer review.
  3. Provide students with materials to make their full-size posters. Remind them to sketch in their words and pictures first, to be sure that everything fits. Pair students for a final peer review to check composition, balance, letter formation, and spelling.
- Conclude by awarding students **You're Part of the ©Team!** copyright stickers to affix on their posters. Have students fill in the copyright date and their names as copyright owners. Discuss the meaning of copyright and invite students to share their feelings about the intellectual property they have created.

Activity 3
Computer Show and Tell

Objectives

- Introduce the concept of computer content as the creative work of those who produce it.
- Reinforce awareness that computer content is protected by copyright.
- Enhance research, presentation, and basic computer skills.

Materials Required

- Classroom computer with presentation software such as Microsoft PowerPoint®.
- The **©Team Show and Tell** PowerPoint template available for download at www.jointhecteam.com. You may want to ask your school technology coordinator for help in obtaining and working with this resource.
- Digital images on CD-ROM or from the Internet.

Time Required

- Three to five class periods for planning, hands-on development, and follow-up discussion.

Instructional Guidelines

- Introduce the concept of computer content by having students talk about their experiences with computer games, video games, and websites, or show a learning game on your classroom computer. Ask students to name some of the creative talents involved in making computer content. They should recognize the work of writers, artists, animators, and designers. Refer to the **Join the ©Team!** poster to remind students that programmers like Patty also help create computer content by writing the computer code that makes the words and images work together.

- Remind students that computer content is protected by copyright. Show them the copyright symbol on a CD-ROM or in the "About" section of a program running on your computer, and tell them to look for the copyright symbol at the bottom of webpages when they go online. Explain that the symbol means it is against the law to copy computer content without permission.
- Tell students they are going to become computer content creators by producing a classroom show-and-tell presentation. That way, they'll be able to see for themselves how much work goes into making computer content and why it's important to respect the rights of those who produce it.
- Choose a topic for your presentation based on the availability of appropriate digital images. Show the images on your classroom computer and let each student choose one image to include in the presentation. You can also take images with a digital camera or, if you have access to a scanner, have students find images or create images that can be scanned and placed in the presentation.
- Have students write short captions for their images (1-5 words). Students too young to write can tell about the image while you write the words for them. Use this opportunity to help students strengthen their vocabulary, spelling, and grammar skills.
- Collect the digital images in a convenient folder on your classroom computer, and make a list to help you match the images with your students.
- Gather students at the computer and show them the blank **©Team Show and Tell** template. Complete the title page by typing in your class name. Click to the first slide and insert an image to show how it's done. Then have each student direct you as you insert their images on the following slides. Use the "Insert Duplicate Slide" command to create additional slides as needed.
- Click back to the first slide and show students how to position the cursor and type a caption into the space provided. Have students come up one by one to type in their captions and their names. When all the pictures are captioned, play through the presentation and have students read their captions aloud to the class.
- Now click to the "Credits and Copyright" slide at the end of the template. Explain that we must always give credit when we borrow content for a school project. Have students help you type in the appropriate credit information to identify the source(s) of your digital images.
- Conclude by congratulating students for their creative work on the computer presentation. Have them come up one by one to add their names to the "Created by" list on the last slide. Then complete your project by filling in the copyright notice. Talk with students about the meaning of the copyright symbol and how it protects all the hard work they put into creating this original computer content.
- As a follow-up, present each student with a CD, floppy disk, or print-out copy of the class show-and-tell presentation, labeled with its title and copyright notice. For a dressier look, you can download special ©Team CD and floppy disk label templates at The ©Team website, www.jointhecteam.com, for use with pre-cut labels available at most office supply outlets.

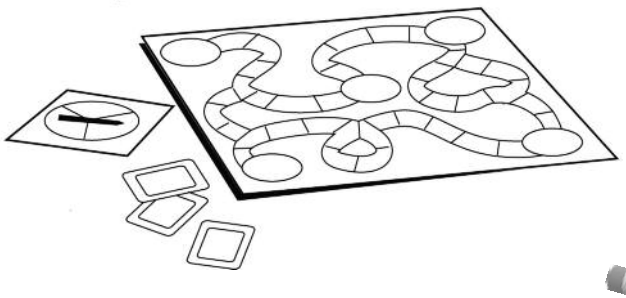


Join the ©TEAM!

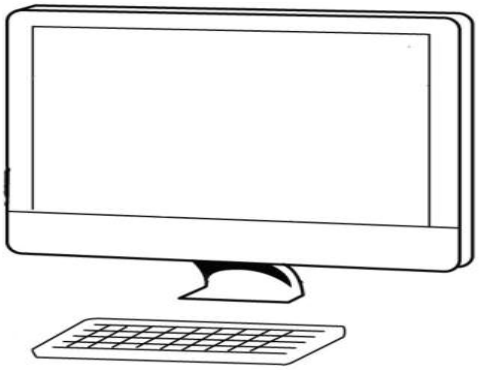
Look for these items in your classroom.

Draw a line to show which items have a copyright symbol.





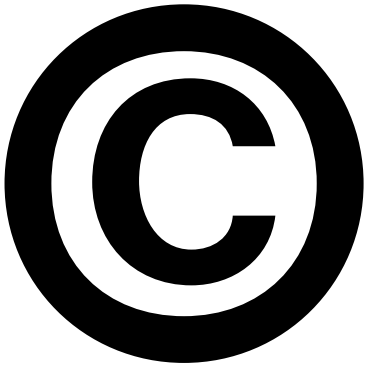




















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Card Template

Place © Team Sticker Here

An Educator's Guide to Intellectual Property

Teachers provide the raw material for intellectual property – young minds with fresh ideas – so it is not surprising that concerns about intellectual property should arise in the classroom. Usually these are pedagogical concerns about the best way to teach students respect for the intellectual property rights of others, both in their academic work and in their use of computer technology. Sometimes, however, there are professional concerns, such as when a teacher wonders about the legality of using Internet content in a homework sheet or sharing a colleague's classroom management software.

This brief guide aims to address both sets of concerns by offering an overview of intellectual property principles and practices as they apply to the classroom. The guide focuses on three areas where teachers and students must be clearly informed about intellectual property rights to avoid potential violation of the law: plagiarism, copyright, and piracy. In each area, the guide provides a framework intended to help teachers evaluate specific situations involving intellectual property rights. But the guide is not intended as a legal advisory and should not be relied on when legal questions arise in the classroom. While the guide may help one recognize such questions, teachers should contact a school or district administrator for help in finding answers.

What is Intellectual Property?

In the broadest terms, intellectual property is any product of a creative mind. An idea, insight, or inspiration does not become intellectual property until it is fixed in some tangible form of expression. Once fixed, however, intellectual property may be protected by patent, copyright, or trademark laws.

In the United States, these laws can be traced to Article One, Section Eight of the U.S. Constitution: "The Congress shall have power...To promote the Progress of Science and useful Arts, by securing for limited Time to Authors and Inventors, the exclusive Right to their respective Writings and Discoveries." Authors receive this exclusive right through copyright. Inventors receive a similar right through patents.

As the language of the Constitution makes clear, the purpose of intellectual property rights is to promote innovation by giving innovators economic control over their creations. For a limited time, they are the only ones to decide who is allowed to profit from their work. This creates an incentive for originality that serves to keep society supplied with improvements. Remove that incentive, by weakening or ignoring intellectual property rights, and "the Progress of Science and useful Arts" will decline.

Students should be aware that intellectual property rights are one of the foundation stones of American life, a legal and economic principle as basic as any in the Constitution. Admittedly, they may find it a far stretch to connect their personal attitudes toward intellectual property with the economic destiny of American society, but once they make that connection, they will perhaps better understand the rationale underlying the imposition of legal penalties for violating intellectual property rights.

Plagiarism

For educators, plagiarism is the most familiar area of intellectual property concerns. In the classroom, plagiarism involves misrepresenting another person's intellectual work as one's own. Students often reduce this concept to word-for-word copying, which happens to be a nearly correct understanding of plagiarism outside the classroom. There, plagiarism occurs when, for example, an author lifts passages from another book or a musician samples riffs from another recording without permission. The author who merely appropriates ideas, restates facts, and rephrases arguments is not a plagiarist. On the contrary, by putting borrowed intellectual content into his own words, such an author actually creates his own intellectual property.

Within an academic context, however, the rules are much stricter. Academic plagiarism involves not only direct quotation but any use of another's intellectual content without attribution, including facts, data, ideas, arguments, or lines of thinking. The concept springs from respect for the intellectual efforts (not just the intellectual property) of others, and requires that students acknowledge every contribution others have made to their own intellectual

work. In simplest terms, this means that students should learn to credit their sources whenever they consult the work of another.

The accepted format for crediting sources differs, of course, across the academic disciplines, but for elementary school students, any convenient format will serve to help them get in the habit of taking notes on and giving credit to the resources they use in their school work. Developing this habit is especially important as students begin to use CD-ROM and Internet resources, which some people mistakenly believe are exempt from the rules that apply to printed materials. Teach students to give the title of a CD-ROM and the page number or file name they have consulted. Show them how to copy the URL of a webpage and paste it into their research notes. Students can learn the formalities for citing such resources as they advance in school. From the start, however, they should learn the importance of crediting their sources and that it is a sign of intellectual maturity, not a sign of weakness.

At an appropriate age, students should also learn that the consequences of academic plagiarism can be extremely harsh. In college, plagiarism can lead to failure on a paper, failure in a course, or even expulsion from school. These penalties underscore that plagiarism is a serious academic offense, a form of cheating or intellectual theft that rarely goes unpunished – another reason for students to learn the simple precaution of crediting their sources from the start.

Note: For detailed guidelines on documentation and citation, consult *The Chicago Manual of Style* by The University of Chicago Press Staff, 15th edition (Chicago, 2003), or the *MLA Handbook for Writers of Research Papers* by Joseph Gibaldi, 6th edition (New York, 2003). Both include sections on citing electronic sources.

Copyright

Students who have learned to strictly respect the intellectual work of others in order to avoid plagiarism already have a solid foundation for understanding the laws of copyright. These laws are found in the Copyright Act, located in Title 17 of the United States Code, and spell out in considerable detail what can be copyrighted, how copyright is obtained, how long copyright lasts, and how copyright protection is enforced. Here are the essentials:

Copyrighted Works

Copyright applies to any tangible expression of a creative mind. In the United States, according to section 102(a) of the Copyright Act, "Copyright protection subsists ... in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories: (1) literary works; (2) musical works, including any accompanying words; (3) dramatic works, including any accompanying music; (4) pantomimes and choreographic works; (5) pictorial, graphic, and sculptural works; (6) motion pictures and other audiovisual works; (7) sound recordings; and (8) architectural works."

You may wonder where digital works, such as computer software and websites, fit into this list. By definition, they are included in category 1. Section 101 of the Copyright Act defines *literary works* as "works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards, in which they are embodied."

Read these statutes carefully and you'll soon realize that virtually any tangible expression of human consciousness is protected by copyright. However, it is important to remember that copyright applies only to the expression, not to the idea itself. As the Copyright Act explains in section 102(b), "In no case does copyright protection of an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work." This means, that while a description, explanation, or illustration may be protected by copyright, the idea described, explained, or illustrated is not.

There are some exceptions to the protection afforded by copyright. According to the U.S. Copyright Office, the following generally cannot be copyrighted:

- Works that have not been fixed in a tangible medium – for example, a dance that has not been recorded or an off-the-cuff speech that has not been written down.

- Works consisting entirely of information that is common property and containing no original authorship, such as standard calendars, height and weight charts, tape measures and rulers, and tables taken from public documents or other common sources.
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of type style, lettering, or coloring; lists of ingredients or contents.
- Any work of the United States government.

Other than these examples, you and your students should assume that any tangible expression of a creative mind – anything in print, on the Internet, on television or radio, on tape or disk – is covered by copyright, whether it carries a copyright symbol or not.

Copyright is also protected internationally, sometimes in slightly different ways, but with most of the same underlying principles, as dictated by several important international treaties and conventions to which the United States is a party.

Securing Copyright

At one time, copyright protection could be secured only when a work was published or formally registered with the U.S. Copyright Office, and it required that a notice of copyright appear on the work itself. This is no longer true.

Now, according to the Copyright Office, "copyright is secured automatically when the work is created" – that is, when it is fixed in a material form that can be read or perceived directly or with some device. This means that words put on paper or typed into a computer are protected by copyright, even if no one except the author ever sees them. Home videos and musical greetings recorded on an answering machine are protected by copyright, even though it is unlikely either will ever do much to "promote the Progress of Science and useful Arts." And virtually everything students produce in the classroom is protected by copyright, from their crayon scribblings in preschool to a computer presentation completed today.

No copyright notice is required to secure this protection. Most published works, of course, still carry a formal copyright notice, in part as a legal precaution, but the absence of a copyright notice can no longer be taken as an indication that a work is not copyrighted. On the contrary, the mere fact that a work exists probably indicates that it was automatically protected by copyright when first created and that it should be treated as the intellectual property of someone else.

The Copyright Owner's Rights

Given the generally comprehensive nature of the copyright laws, it should come as no surprise that copyright owners are granted broad control over their work for a period of time. No one can make any use of the work without the copyright owner's permission. Specifically, without permission, no one can:

- Reproduce any part of the work in any medium;
- Recast, transform, or adapt the work in any way;
- Distribute copies of the work to others;
- Perform, display, or broadcast the work publicly.

Those seeking to make uses of copyrighted works should contact the author or other copyright owner and ask to be granted a license, usually in exchange for a small fee.

The laws are deliberately comprehensive to give the creator the maximum right to choose how his or her work is to be used and exploited. And the law regards any violation of these restrictions as an infringement of copyright, whether or not a commercial motive is involved. For example, the following can all be violations of copyright:

- Taking photos at an art exhibition.
- Loading a borrowed piece of software onto your computer.
- Turning a short poem into a T-shirt decoration for your book club.
- Making copies of a magazine article for your friends.
- Making a CD of a friend's favorite songs to give as a birthday gift.
- Tacking a photocopy of a comic strip on the faculty room bulletin board.

(Note that all these examples involve situations outside the classroom. This is because the law does make some explicit exceptions for educational use of copyrighted works.)

Infringement of copyright, no matter how well-intentioned or seemingly inconsequential, is a violation of federal law, with financial penalties and the possibility of criminal prosecution for willful infringement. In short, as befits a fundamental principle established by the Constitution, the protection of intellectual property afforded by copyright is comprehensive.

Length of Copyright and The Public Domain

The Constitution provides that intellectual property rights shall be granted "for limited Time," but in recent years these limits have been increased. Copyright in most authored works now lasts until 70 years after the author's death. For anonymous works and those produced under contract ("works made for hire"), copyright lasts for 95 years from the date of first publication or 120 years from the date of creation, whichever expires first. Some works that were copyrighted before these longer protection periods became law are still on the old shorter schedules, but as a general rule one can assume that any work published after 1923 is still protected.

Works that have lost their copyright protection are said to belong to the "public domain." They can be copied, distributed, adapted, and so on without restriction. These include all works published before 1923 and, due to changes in copyright law over the years, certain works published between 1923 and 1978 – namely those published without a valid copyright notice and those for which copyright was not formally renewed 28 years after initial publication. (Information about copyright renewals can be obtained from the U.S. Copyright Office.) In addition, works of the United States government, because they are not eligible for copyright, are also in the public domain.

Permissions

While it is important to emphasize the strict nature of copyright protection, it is equally important to realize that most copyright owners want others to make use of their work, because that is one way they can hope to profit from it – by granting permission for a specific use.

Typically, copyright owners charge a fee for granting permission, based on the amount of their work being used and the purpose for which it is being used. A photograph used in a major advertising campaign would likely come with a substantial permission fee. However, a photograph posted on a school website would likely come with a minimal fee or perhaps with no fee at all if the copyright owner felt that exposure on the website or just the satisfaction of supporting education were compensation enough.

Whatever the final arrangement might be, it is always necessary to seek permission before making any use of creative works protected by copyright.

Fair Use

By this point, it may seem that educators and students cannot avoid running afoul of copyright law. However, the law includes a limitation on the copyright owner's exclusive rights that opens the way to using copyrighted materials in the classroom.

This limitation, called "fair use," is spelled out in section 107 of the Copyright Act, which states: "The fair use of a copyrighted work ... for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall 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; and (4) the effect of the use upon the potential market for or value of the copyrighted work."

The four factors listed in this statute serve as criteria for determining whether the use of a copyrighted work is fair.

- The first criterion is almost always met in the classroom, since copyrighted material is normally used there only for an educational purpose.
- The second criterion can be more problematic. In practical terms, it raises questions about the availability of the copyrighted work and its substance. Using excerpts from an out of print book or old magazine is more likely to be considered fair use than using excerpts from a work that students could purchase. Similarly, using excerpts from a factual book, such as a travel guide or biography, is more likely to be considered fair use than using creative work taken from a photo essay or a novel.
- The third criterion is again fairly straightforward: using a small portion of a copyrighted work is more likely to be considered fair use, using a large part or the whole work is not.
- The last criterion might seem straightforward as well, because a teacher might think it obvious that exposing students to excerpts from a copyrighted work can only increase its market value. However, if the excerpts are pages from a workbook, or a set of poems from an anthology, providing

students with copies could as easily be seen as an unfair scheme to avoid purchasing texts for each student, especially if copies of the same pages and poems are handed out year after year.

Under fair use, students can use copyrighted material in their school work in most instances. However, a cause for concern may arise when a student's work leaves the classroom and appears in public – for example, as a prize-winning essay in the local newspaper or a presentation on the school website. Depending on the type of materials students have used and the extent of their use, this change in circumstances might require obtaining a copyright owner's permission.

Teachers can also find their own fair use of copyrighted materials altered by circumstances. After all, handing out copies of a lesson plan that contains copyrighted materials at an educational conference is not much different from unfairly publishing those copyrighted materials as your own, particularly if the materials end up on your school district's website.

Even within the sanctuary of the classroom, teachers are not always automatically entitled to claim fair use. As mentioned above, using copies of materials designed for the classroom instead of purchasing the materials (or paying a permission fee to make copies) is likely an infringement of copyright, unless the use were a spontaneous, one-time occurrence – say copying math problems from various textbooks for a pop quiz. The same principle applies when a teacher shows a copyrighted movie or videotaped television program in class. A one time showing would likely be considered fair use, but repeated showings would infringe on the copyright owners' exclusive right to display their work publicly, as class after class of students begins to add up to an audience. Teachers can also apply this principle when trading software: trying out a colleague's classroom management package or borrowing an instructional program can become an unlawful use of copyrighted material if the software remains installed on your computer and gets used again and again.

One last point on the use of copyrighted works in the classroom. Crediting the source of copyrighted material may satisfy the rules for avoiding academic plagiarism but it does not meet the requirements of copyright law. Giving the copyright owner a credit is not equivalent to getting the copyright owner's permission and, in a legal context, is no defense against a charge of infringement.

Piracy

Intellectual property theft is called "piracy." It is a concept that goes back to the early years of the printing press when unscrupulous publishers would purchase a book or illicitly obtain a manuscript, set the text in their own shop, and print off a "pirated" edition. Shakespeare is perhaps the most famous victim of this practice, though it continued into the early 20th century.

Now, of course, pirates no longer need their own printing press. Computers have put the tools of piracy into every home, allowing almost anyone to produce illegal copies of text, images, video, audio, video games, and software. It is a temptation that many students, sadly, find it difficult to resist.

One reason for this susceptibility may be that students become accustomed to making fair use of copyrighted materials in their school work and come to think of themselves as somehow exempt from the laws that protect intellectual property rights, as if being a student were license to copy anything at any time. To correct this misconception, it is important to emphasize that students are free to use copyrighted material only in their school work, and then only in the classroom setting. Outside this narrow zone of protection they are subject to the same laws, and the same penalties, as everyone else.

Students can also harbor misconceptions about exceptions in the copyright law for "personal use." It is legal, for example, to videotape a television program or tape record a song on the radio for personal use, which means watching or listening to it later. But this does not mean, as students might suppose, that copies can be passed from person to person, as on a peer-to-peer website where "personal copies" of music, movies, and video games that people around the world have stored on their computers are made available to anyone. Taking copyrighted material from these websites is piracy, even if one intends to put the material to "personal use." It is a violation of the copyright owner's right to control the reproduction and distribution of his intellectual property, and is subject to some of the most serious penalties provided in copyright law.

A final possible source of student misconceptions is the natural tendency to think that the right of ownership that comes with purchase of a copyrighted work is comparable to the intellectual property right of a work's creator. This kind of

confusion is especially likely to arise with digital media – CDs, CD-ROMs, and DVDs. Students may believe that they "own" the music, movies, and video games they purchase in these formats. In fact, they own only the digital medium itself and an often strictly limited right to use the intellectual property printed on it. They usually do not have the right, for example, to copy the digital content onto a friend's computer, or to distribute excerpts of the content by email. Both actions would constitute piracy, because both amount to taking the copyright owner's intellectual property without permission and using it as if it were one's own.

Beyond helping students correct these kinds of misconceptions, educators can act to prevent piracy by reminding students of the ethical principles involved in all aspects of intellectual property rights protection. This guide has emphasized the legal issues surrounding intellectual property, but the rules and laws reviewed here all rest on an ethical recognition that it is wrong to take the intellectual property of another person, just as it is wrong to steal material objects that don't belong to us. Reminding students of this simple axiom, guiding them toward this conscience-touching realization, may be the place to start instruction on the concept of intellectual property, and may be the most effective lesson in the end.

Additional Resources

Some Sources of Content in the Public Domain

U. S. Government websites are usually the most reliable sources of content in the public domain. This is because, by law, "copyright protection ... is not available for any work of the United States Government" (U.S. Copyright Act, §105). In addition, most government websites provide clear guidance on the copyright status of their contents, enabling you and your students to use these resources with confidence. Listed here is a sampling of government websites that hold valuable archives of images, audio clips, video clips, documents, diagrams, and maps for projects in history, literature, science, and geography, as well as content that can be adapted to other subject areas.

Library of Congress American Memory Collections
http://memory.loc.gov/

NASA Image Exchange
http://nix.nasa.gov/

NASA Multimedia Gallery
www.nasa.gov/multimedia/highlights/index.html

National Archives Archival Research Catalog (ARC)
www.archives.gov/research_room/arc/

NOAA Photo Library
(National Oceanic & Atmospheric Administration)
www.photolib.noaa.gov/

US Army Corps of Engineers Digital Visual Library
http://images.usace.army.mil/main.html

US Department of the Interior Photo Library
www.doi.gov/gallery.html

US Geological Survey Library
http://libraryphoto.cr.usgs.gov/

US Government Graphics and Photos Index
www.firstgov.gov/Topics/Graphics.shtml

Information on Copyright and Intellectual Property

The websites listed here provide additional lessons in copyright and information to help students better understand the concept of intellectual property and the importance of respecting the intellectual property rights of others.

A Visit to Copyright Bay
(interactive lessons updated 2004)
www.stfrancis.edu/cid/copyrightbay/

Copyright Kids
(interactive lessons posted 2001)
www.copyrightkids.org

Copyright Society of the U.S.A.
www.csusa.org

Cyberethics for Kids
www.cybercrime.gov/rules/kidinternet.htm

CyberSmart
www.cybersmart.org

The Educator's Guide to Copyright and Fair Use
(from *Education World* October 2000; updated 2004)
www.education-world.com/a_curr/curr280.shtml

Entertainment Software Association
www.theESA.com

F@CE® (Friends of Active Copyright Education)
www.csusa.org/face

Fair Use Guidelines for Educational Multimedia
www.adec.edu/admin/papers/fair10-17.html

Plagiarism: What It is and How to Recognize and Avoid It
www.indiana.edu/~wts/pamphlets/plagiarism.shtml

Reproduction of Copyrighted Works by Educators and Librarians (Circular 21)
www.copyright.gov/circs/circ21.pdf

RespectCopyrights.org
www.respectcopyrights.org

U.S. Copyright Office
www.copyright.gov

Join the ©Team!

is made possible by the Entertainment Software Association, which serves the business and public affairs needs of companies that publish video and computer games for video game consoles, handheld devices, personal computers, and the Internet. To learn more about the ESA, visit their website at www.theESA.com.