

The Teachers Guide to...

Copyright, the Internet and the Classroom Teacher

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What's the problem?

There seems to be some considerable misunderstanding about the extent to which teachers may legally use others' material in the school context. This document is intended only as a guide and definitive information should be sought from appropriate sources. Some helpful URLs can be found at the end of this document.

The Internet has provided teachers and learners with an almost inexhaustible supply of text and graphics. As part of their learning children are taught to question the reliability of information available on the Internet, but does anyone question the legality of downloading this to the classroom computer?

Copyright and pictures

The Tudor period is one that is well resourced with portraits of the monarchs and their consorts, and other notable people and events. Teachers are aware of the value that illustrations such as these can add to teaching materials but are they used legally? Just because you CAN download a picture doesn't mean to say that you MAY download it.

Section 2 of QCA study unit 7 "why did Henry VIII marry six times?" expects children to make use of

portraits so where can you get them? Clearly, if you are buying posters or postcards there isn't a problem, but it is expensive to provide sufficient copies for everyone. Don't be tempted to copy or scan them. The Internet then becomes an obvious source, and it *seems* that teachers are spoilt for choice, as the same portrait can appear in many different locations, with almost as many "Terms of use" notices.

People often cite the fact that images, such as those mentioned above, are "freely available" on the Internet as their justification for using them. But more often than not the sites displaying these images will be doing so without permission of the copyright holder. Museums and Art Galleries, who make their collections available online, are quite concerned about images, for which they hold the copyright, being used on websites without permission, and are actively tracking down the culprits. They do appreciate that in most cases this misuse of images by schools is through misunderstanding rather than deliberate theft.

So what can we, as teachers, legally do?

Many sites, including museums and art galleries will allow you to download pictures for use in the classroom. If you are in any doubt at all do contact the museum or art gallery, they are very willing to advise.

In general there are:

- Some sites that do not permit you to download any material. These are generally commercial

sites and you should be able to spot them quite easily.

- Some sites allow you freely to use materials for educational purposes. This usually means within your own classroom only. So for example you might download a picture of some historical artefacts and incorporate it into an activity sheet for your class. Don't be tempted to share the resource, however good it is, through the TRE or on your school's own website without express permission of the copyright holder.
- A very few sites permit you to download and share their resources, one such example is <http://gimp-savvy.com/PHOTO-ARCHIVE/> which has some excellent geographical images.

How can we make sure we don't infringe copyright?

- Make sure the material is obtained from the copyright holder. If the material you plan to download is a painting or image of an original historical document, please make sure that you are downloading it from the copyright holder rather than some third party website. You can be fairly certain that a portrait of Henry VIII by Hans Holbein will not be owned by anyone other than a major art gallery or the Royal Family!
- Make sure you check and comply with the copyright notice on the site; this may include a requirement to acknowledge the source. It is common courtesy to do this anyway.
- Do not assume that download also means print off; it may not.
- Use a bit of common sense.

Copyright and Literary works

This covers lyrics, manuscripts and books, manuals, computer programs, commercial documents, leaflets, newsletters & articles etc. Under the terms of the 1988 Act this was deemed to be 50 years from the death of the author, but the period was extended to 70 years across all countries of the EEA in 1996 to standardise copyright protection. This inevitably gives rise to some anomalies. Additionally you should be aware that if more than one author contributed to the work then copyright lasts for 70 years from the end of the calendar year in which **the last remaining** author of the work dies.

Copyright and Musical works

Music of any length has copyright protection. Copying and distributing a 4 bar piece or even 4 notes (as was the channel 4 theme tune) can result in law suits, especially if those notes are indicative and integral to the music itself. However, If 50 years have elapsed since the death of the composer/lyricist (and the 1988 Act has not been modified) the material comes into the public domain and can be freely used.

A distinction should be made between the copyright owned by the composer/lyricist and the copyright owned by others. Despite that fact that Bach and Beethoven have been dead for many more than 50 years, you may not make copies of CDs of their work as the copyright for these rests with the recording company for 70 years after the recording was made.

If you intend to use the music, give full credit to the recording company, the arranger and the composer(s) and/or lyricist(s). DO NOT distribute or copy tracks for public use, and this includes using it on your school's website.

Above all, if you are in any doubt check with the copyright holders, although don't expect an immediate response – they may have to go off and consult their legal advisers!

Copyright and maps

With the advent of the Internet teachers of geography must have breathed a sigh of relief. Not only were photographs more readily available, but at last a whole new world of maps opened up in front of their eyes. Numerous sites provided maps of various scales of any place in the UK. Now maps are accessible for locations round the world.

However the same problems arises. These companies have paid a lot of money for the use of these maps and are not about to give them away free. To what extent can these maps be used in educational resources? Reading the terms and conditions may be helpful, but it is often hard to decipher the complex statements included there.

Map24 (<http://www.fr.map24.com/>) states that the maps may be used for demonstration purposes online, but may not be printed, saved or built into resources in any way.

Multimap (<http://www.multimap.com/>) allows users to print up to 10 copies of a map for their own personal use. They have said that use within the classroom is permitted, as long as there is no commercial gain. It is however made clear that teachers cannot incorporate the maps into resources as the original maps do not belong to Multimap themselves.

Oldmaps (<http://www.old-maps.co.uk/>) is a super site enabling the user to compare modern maps with old maps of areas in the UK. It is clearly stated (December 2004) that:

You may, where the use of the map information is a tool for the day-to-day activities associated with the running of your organisation or where the map information is to be used for teaching purposes :-

- make up to 500 hard copies per year for inclusion in leaflets or private journals provided there is no financial gain by you in respect of publishing the mapping;
- make electronic transmissions of any graphic image, produced specifically for the purposes of allowing the recipient to produce leaflets or journals including the map image provided there is no direct financial benefit to the recipient;...

This is a surprisingly clear statement for a mapping site. It seems to open up a very useful resource.

In general it would seem that you can look at the maps but not incorporate them into resources. Even printing them out is seriously restricted. One of the best ideas is to find out which Ordnance Survey maps your LEA has the licences for and make full use of them. Alternatively, subscribe to a site which gives you free use of the maps they include as resources. Some of these also allow you easy access to the OS maps for which your LEA has the licence.

Some helpful URLs

Government guidance

<http://www.intellectual-property.gov.uk/>

Specific guidance for education

<http://www.intellectual-property.gov.uk/std/faq/education/relevant.htm>

Project Gutenberg has complete online texts of many older literary works

<http://www.gutenberg.org/>

Copyright Licensing Agency (CLA)

<http://www.cla.co.uk/>

Becta's fact sheet on copyright and web design

<http://www.becta.org.uk/corporate/corporate.cfm?section=12&id=3416>

From Teachernet

<http://www.teachernet.gov.uk/management/atoz/c/copyright/>

The UK copyright service

http://www.copyrightservice.co.uk/copyright/p01_uk_copyright_law

Credits

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