1. What is the penalty for copyright infringement? (a) Criminal Infringement. —

(1) In general. — Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed —

(A) For purposes of commercial advantage or private financial gain;

(B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phone records of 1 or more copyrighted works, which have a total retail value of more than $1,000; or

(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

(2) Evidence. — For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

(3) Definition. — In this subsection, the term “work being prepared for commercial distribution” means —

(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if, at the time of unauthorized distribution —

(i) the copyright owner has a reasonable expectation of commercial distribution; and

(ii) the copies or phonorecords of the work have not been commercially distributed; or

(B) a motion picture, if, at the time of unauthorized distribution, the motion picture —

(i) has been made available for viewing in a motion picture exhibition facility; and

(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.

(b) Forfeiture, Destruction, and Restitution.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323 of title 18, to the extent provided in that section, in addition to any other similar remedies provided by law.

(c) Fraudulent Copyright Notice. — Any person who, with fraudulent intent, places on any article a notice of copyright or words of the same purport that such person knows to be false, or who, with fraudulent intent, publicly distributes or imports for public distribution any article bearing such notice or words that such person knows to be false, shall be fined not more than $2,500.

2. What does the term “fair use” mean and who is included in the fair use clause? Fair use is a copyright principle based on the belief that the public is entitled to freely use portions of copyrighted materials for purposes of commentary and criticism. For example, if you wish to criticize a novelist, you should have the freedom to quote a portion of the novelist’s work without asking permission. Absent this freedom, copyright owners could stifle any negative comments about their work.

Unfortunately, if the copyright owner disagrees with your fair use interpretation, the dispute may have to be resolved by a lawsuit or arbitration. If it’s not a fair use, then you are infringing upon the rights of the copyright owner and may be liable for damages.

3. What are the conditions for deciding fair use? The only guidance for fair use is provided by a set of factors outlined in copyright law. These factors are weighed in each case to determine whether a use qualifies as a fair use. For example, one important factor is whether your use will deprive the copyright owner of income. Unfortunately, weighing the fair use factors is often quite subjective. For this reason, the fair use road map can be tricky to navigate.

4. When using multimedia in the classroom, what kinds of things need to be considered when determining whether copyright has been adhered to? •Copyright is automatic.

Generally, once a work is put into a fixed format, then the owner has certain exclusive rights to that thing, including the right to make copies or “derivative works”, such as multimedia projects. This includes all kinds of works, including photographs, poetry, videos, software code, video games, choreography, sheet music, recorded music, and more.

•No registration required ©.

Don’t see a ©? The work is probably still copyrighted. You see, the © symbol only means that the copyright holder has registered the work with the U.S. copyright office. This is a step that many copyright holders take to REMIND others that the work is copyrighted, and to show that they are pretty serious about it. Copyright does not require registration, publication, or use of the © symbol.

•Attribution is not a substitute for permission.

Giving credit to a photographer or recording company does NOT entitle you to use that work. However, many works will require you to give attribution to the author if you use them in your project. Receiving permission will not only protect you from legal action, it is also respectful and and the right thing to do.

•Publicly available does not mean public domain.

The fact that you can easily find multimedia does not mean that you have a right to use it.

5. What are the conditions for using someone else’s words? You will need to site your references according to the citation style of MLA or APA.

6. What are the conditions for using another’s musical score? Copyright in s musical work includes the right to make and distribute the first sound recording. Although others are permitted to make subsequent sound recordings they must compensate the copyright owner of the musical work under the compulsory licensing provision of the law.

7. What are the guidelines for using film in the classroom? Use of film and video is permitted in an educational institution so long as all of the following conditions are met: The film must be show as part of the instructional program; the film must be shown by students instructors or quest lectures an can only be show to students and educators; the film must be shown either in a classroom or other school location devoted to instruction; the film must be shown either in a face to face setting or where students and teachers are in the same building or general area; the film shown must be a legitimate copy with the copyright notice included; films or videos may not be used for entertainment or recreation.

8. What if you want to tape something off the TV to use in the classroom…What are the rules here? •A classroom teacher who wants a particular program taped should ask the school to record it.

•The recording may be shown only during the first ten consecutive school days after it is made, and only in a classroom or similar place devoted to instruction. A recording may be shown to several classes if appropriate.

•A limited number of copies may be made from each off-air recording. Each copy is subject to all the provisions governing the original recording.

•The recording may not be altered in any way. For example, recordings may not be edited to create an anthology or compilation.

•After the ten-day classroom use period expires, the recording may be used only for evaluation -- that is, to determine whether it should be bought or licensed for permanent inclusion in the teaching curriculum. Not later than 45 calendar days after the material was recorded, it must be destroyed.

•Only programs broadcast to the general public may be recorded. This includes all programs broadcast to homes and schools. The guidelines do not apply to programs available only from cable television services such as Showtime, HBO, The Disney Channel, C-Span, and ESPN.

9. How can you get permission to use items in your classroom? To help educators determine when off-air taping is and is not a fair use, a committee comprising representatives from educational organizations and copyright owners created a set of concrete guidelines -- officially known as "Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes." The guidelines do not have the force of law and have never been tested in the courts. However, most copyright experts believe that taping that falls within the guidelines is permissible and would be upheld as a fair use if challenged in court.

The guidelines apply only to off-air taping by nonprofit educational institutions, including all public schools and most private schools and colleges. The guidelines do not apply to for-profit language or trade schools

10. When items are posted to a website what should the creator be careful to consider?

Big Question

Make a PowerPoint presentation that not only convinces teachers to be more careful about copyright and also teaches them the rules and regulations. Feel free to use examples of good and bad uses of documents for teaching purposes.