

WACO ISD: COPYRIGHT BEST PRACTICES

FAIR USE AND EDUCATIONAL USE

Creativity, Copyright, and Fair Use



WHAT IS FAIR USE FOR EDUCATORS

Fair Use allows the use of copyrighted material for certain purposes without requiring permission, fee, and/or royalty. Fair use can apply to review of items, news reporting, research, or teaching.

There are four fair use factors that are used to determine if a use truly falls under “fair use.”

What are the four factors of Fair Use in Education.

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.

- *Does the new work transform the original work or offer something beyond the original? Copyrighted works that are altered significantly are more likely to be considered fair use.*

- Is the use for nonprofit or educational purposes? Copyrighted works used for nonprofit or educational purposes are more likely to be considered fair use. ****SEE BELOW****

2. The nature of the copyrighted work.

- *Is the copyrighted work published or unpublished? Published works are more likely to be considered fair use.*
- *Is the original work out of print? Out of print works are more likely to be considered fair use.*
- *Is the copyrighted work factual or creative? Factual works are more likely to be considered fair use.*

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.

- *Is the amount of the original work used reasonable? The smaller the percentage of the work used, the more likely it is to qualify as fair use. Example: Small clips from movies vs. full length film.*

4. The effect of the use upon the potential market for or value of the copyrighted work.

- *Does the new work appeal to the same audience as the original work? Copyrighted works that are used for another purpose or designed to appeal to a different audience are more likely to be considered fair use.*

WHAT IS EDUCATIONAL USE?

The educational fair use guidelines apply to material used in educational institutions and for educational purposes. Fair use is a component of U.S. copyright law that allows **LIMITED** use of copyrighted material for educational purposes without obtaining permission, purchasing the work, or paying the creator a royalty.

“Educational purposes” are:

- noncommercial instruction or curriculum-based teaching by educators to students at nonprofit educational institutions
- planned noncommercial study or investigation directed toward making a contribution to a field of knowledge, or
- presentation of research findings at noncommercial peer conferences, workshops, or seminars.

Here is an [easy tool for deciding whether or not Fair Use](#) is applicable to the work you are wanting to use.

ARE STREAMING SERVICES PROTECTED UNDER EDUCATIONAL USE??

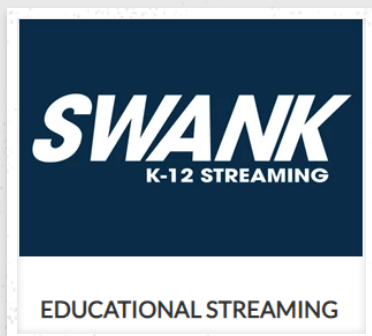


The short answer is NO. Each platform has a specific End User Licensing Agreement that generally prohibits showing of their material in crowd settings. So

to protect our faculty and staff and district from getting huge fines for copyright infringements we block these services.

However, we have found a solution that will help you with your curriculum needs for engaging students through film, while meeting School Board policy EF (Legal and Local) for instructional resources.

SWANK K-12 DIGITAL STREAMING AND MOVIE LICENSING



Waco ISD now offers a digital streaming service and video licensing permission that allow teachers to select films/movies or play movies purchased/approved by campus administration to integrate into lessons.

This service has two parts:

1. Digital Streaming - Waco ISD has subscribed to Swank K-12 Digital Streaming to offer films/movies available or upon request to connect learning in your classroom.
2. Movie Licensing - Waco ISD has the license agreement to view movies/films purchased by the campus or purchased by the teacher (with approval by your campus administration and as a part of your curriculum). ******This does not include digital streaming services such as Netflix, Hulu, Disney+, YouTube, etc.******

When selecting a film or movie, please preview the selection and confirm the film or movie is appropriate for the lesson you are teaching as well as appropriate for your student age group.

Here is a chart outlining the age requirements for film/movie ratings.

[Film Rating System](#)

** Please be aware that the film/movie rating is not sufficient enough alone for the selection to add to your lesson.

- Your campus administration must give their approval for any full length feature film.
- Parental permission may be required or suggested and must be sent home in advance.
- It must align with the TEKS/course objectives.

[Parental Permission Form](#)

Digital Streaming:

To access, a Swank K-12 icon will be available in ClassLink. Click on the icon and you will be allowed direct access.

[Here are some helpful Instructional videos on how to use the service.](#)

[Searching and Requesting Movies In Class Use and Assignments](#)

HELPFUL LINKS

- [Public Domain FAQ - Teaching Copyright](#)
- [CC Search - Creative Commons](#)




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