



Technology and Learning's Copyright Primer

Answers: Fair Use Copyright Quiz

by Hall Davidson

Answers to Copyright Quiz

1. **False.** The purpose of copyright was to support the “advancement of science and the useful arts”.
2. **False.** “Entertainment” and “reward” are explicitly excluded under copyright guidelines.
3. **(a) True.** The district is liable. The district must enforce its written policy, not just post it. Somebody needs to be monitoring the network and, it must be said, the stand alone computers, too. Unenforced policy cost one large district over a million dollars, despite posted policy. **(b) False.** The Adobe license specifically forbids this. They would like licenses for each machine to be used. **(c) Apparently not.** See example. **(d) This remains to be seen.** Some legal opinions are skeptical that an *inappropriate* license will hold up simply because of a “return key agreement.”
4. **False.** The time has long passed when she should have asked permission or purchased the tape. Some opinions hold that a segment would be more acceptable.
5. **True.** The principle should hold, but school may check the license to be sure (see number (3)).
6. **False.** All that fine print you click “Accept” with the mouse to ignore actually means something. However, it must fit the frame of the law.
7. **True.** The video is a legal copy being used for instructional purposes.
8. **(a) True** As long as the material is not publicly distributed, the student may archive his/her work. **(b) False.** The whole notion of Fair Use permits the absence of permission.
9. **True.** The state of California licenses this instructional series for all public school teachers. The license fee allows this. Licenses can be made for many nonrestrictive purposes.
10. **True.** Although netiquette would dictate asking permission, for instructional use, the trainer should be alright. Once released to the public, the copyright holder has less reason to complain about public use. Remember that Internet postings are public postings. An internet posting is intended to be copied because the only way anyone else can see a page is for their computer to copy it into RAM.
11. **True.** The distributors of the Bill Nye program allow educational retention for three years after original broadcast. The librarian and the teacher are well within the legal guidelines in year 2000.
12. **False.** Internet pages are copyrighted automatically. The student cannot safely post (and therefore re-copyright) anything without permission. Use in a classroom report or multimedia project would have been okay, as would a non-posted page.
13. **True.** The school LAN is presumably not accessible to the outside world and the length and use of the clip support the notion that this is fine.



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14. **True.** The checkout is fine. The school must make serious efforts to make sure parents aren't keeping the program illegally on their home computer, however.
15. **True.** The California Student Media Festival is expressly designed for classroom work by students. See www.mediafestival.org to check (or copy) the Festival.
16. **True.** Fair use is generally extended to include educator trainings and conferences.
17. **False.** The television station is wrong. First of all, it doesn't hold the copyright on Seinfeld. Secondly, Congress holds that *any* program publicly broadcast may be used within ten school days. Some rights are extended much longer for schools by copyright holders.
18. **(a) False.** For Fair Use, the material to be used (in this case the copy on cassette) must be legally obtained. The student was using an unauthorized copy. Francis Scott Key may be dead, but the orchestra that created the arrangement and created the tape is probably alive and kicking. **(b) No - Before July, 2000.** This is an illegal copy (see (a) above). **Yes - after July 2000,** because MP3.com reached an agreement with most music copyright holders. (Napster is still a "no"). **(c) Yes.** Journalism is another area justifying Fair Use and in this case the illegal nature of the copy was critical to the journalistic proof of her point. See www.benedict.com for further examples.
19. **False.** It is not instructional use. Maybe some school will make a test case of this and win. But this really is not an instructional use.
20. **True.** The Player is intended for public distribution and the program itself is never in simultaneous use.
21. **False.** Something similar has happened with print material. If there the program was never offered for sale, then there is little grounds to support financial loss. But the teacher does have the right to make them stop using his work.
22. **False.** The copyright holder sells the performance rights to schools in a very specific way. If you want CATS, buy the performance rights. Sell tickets if you have to to pay for the rights. That's the way the system is supposed to work.
23. **True.** This is probably okay unless it is expressly prohibited. Most systems that don't allow multiple simultaneous use are set up to prevent it, making this a moot point.
24. **False.** Schools may not tape in anticipation of requests. They can act only on actual requests.
25. **False.** The copyright holder lost in a just such a case. The UC schools are state schools and the court ruled the state could not be sued unless it consented. The ethical issue was unaddressed by the court.

★ Bonus Question ★

- Q.** Copyright protection is essential for superior artistic output. **True/False**
- A.** **False.** *Hamlet* (in fact, all of Elizabethan theatre), *The Odyssey*, *Don Quixote*, classical art, *Oedipus Rex*, *The Messiah*, *The Brandenburg Concertos*, in addition to religious works such as the Koran, the Bible, the Vedas, Greek Mythology, and many more works were written without copyright protection.

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