

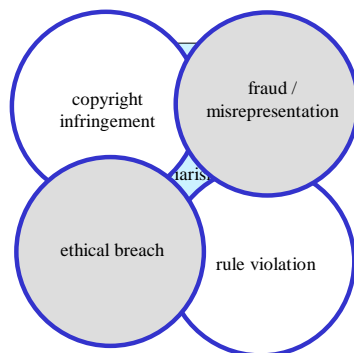
Copyright and Plagiarism

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to plagiarize:

to steal and pass off as one's own (the ideas or words of another)
use (a created production) without crediting the source

Webster's Third New International Dictionary



Copyright Clause

[Congress shall have the power ...] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors exclusive Right to their respective Writings and Discoveries.

U.S. Constitution -- Article I, section 8, clause 8

Copyright Infringement

to steal ~~and pass off as one's own~~
(the ~~ideas or~~ words of another)
use (a created production) ~~without~~
~~crediting the source~~
without authorization

17 U.S.C. § 106: Exclusive rights

- reproduction
- preparation of derivative works
- distribution
- public performance
- public display
- digital transmission of sound recordings

17 U.S.C. § 102: Subject matter

(a) Copyright protection subsists, in accordance with this title, 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.

(b) In no case does copyright protection for 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.

17 U.S.C. § 107: Fair Use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, 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 fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

17 U.S.C. § 107: Fair Use (1)

- 1. Purpose and character of the use
 - Fair
 - non-commercial, educational, personal
 - commentary or criticism
 - parody
 - “transformative use”
 - Unfair
 - commercial
 - straight reproduction

17 U.S.C. § 107: Fair Use (2)

- 2. Nature of the copyrighted work
 - Fair
 - factual or “functional”
 - compilation of data
 - published
 - Unfair
 - creative
 - unpublished

17 U.S.C. § 107: Fair Use (3)

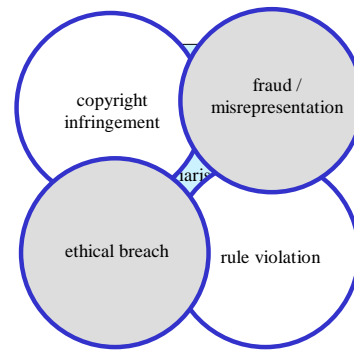
- 3. Amount and substantiality of the use (length and significance of the portion used)
 - Fair
 - a short excerpt, quotation, reference
 - no more than necessary for the purpose
 - “reasonable” amount in relation to the original
 - Unfair
 - taking “the heart” of the original

17 U.S.C. § 107: Fair Use (4)

- 4. Effect on the potential market
 - Fair
 - different kind of use, different purpose
 - space or time shifting
 - Unfair
 - replacing the original in the market

17 U.S.C. § 106A: Visual Artists' Rights

- Rights of attribution
 - right to claim authorship of work
 - right to prevent use of name on work artist did not create
- Rights of integrity
 - right to prevent destruction, distortion, or mutilation of work



Reference

- University of Texas Fair Use Guide:
<http://www.utssystem.edu/ogc/intellectualproperty/copyvol2.htm>
- Indiana, Plagiarism and How to Avoid It:
<http://www.indiana.edu/~wts/wts/plagiarism.html>
- Google Directory -- Plagiarism:
http://directory.google.com/Top/Reference/Education/Educators/Higher_Education/Plagiarism/
- Search engines:
 - Put a sentence of the text, in quotes, into a search engine to check for copies on the Web.

