

AN EDUCATOR'S GUIDE TO INTELLECTUAL PROPERTY

A BRIEF OVERVIEW OF COPYRIGHT AND CREATIVE COMMONS



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What is Intellectual Property?

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Intellectual property consists of copyright, patents, trademarks, and trade secrets. For educators the most important form of intellectual property to understand is copyright. While most copyright infringement in educational settings is likely unintentional, educators are liable for the improper use of copyrighted work, just like anyone else.

What is Copyright?

Copyright is one of the principles of [intellectual property](#), along with trademark, trade secret, and patent. In [Two Treatises of Government](#), John Locke states that “God gave the world to men in common...he gave it to the use of the industrious and rational, (and labour was to be his title to it)” (214). In other words, the labouring over intangible works and ideas deserves a claim – copyright - by the [individual\(s\)](#) who invested their labour into it. The first copyright act established, [The British Statute of Anne in 1710](#), was “an act for the encouragement of learning...” and lasted for a term of 14 years. This act was initially conceived to prevent piracy and impose limitations on reproductions due to the technological advancement of print. It also served to help improve the common stock of mankind by promoting the creation of new work; this is the objective of many copyright regulations today. Copyright violations also have legal consequences, and laws surrounding this have been instituted by many governments. For example, [Canadian copyright law](#) addresses the principles of intellectual property ownership, where authors of intangible works have exclusive rights to it for the duration of their lifetime plus 50 years after their death in Canada and in the United States it is the author's lifetime plus 70 years. However, [Disney](#) has managed to extend copyright for corporations from 75 years to 95 years under the [Sonny Bono Act](#) in order to protect Mickey Mouse from going into the public domain. Although an idea is not protected by copyright, the physical expression of that idea becomes protected by copyright the minute it is produced. The symbol © has been created to identify copyrighted work, but even without it creative work is still copyrighted immediately. Often the issue with copyright is determining who created a creative work first, so in some cases work is registered with the [intellectual property office](#) to provide additional guarantees of ownership. On the other hand, attempts have been made to allow copyright owners the opportunity to declare their work free to use in certain instances and in 2001 a successful system came into effect; the [creative commons](#) allows copyright holders to give up certain rights for the benefit of the common good although there is still some resistance as many copyright owners do not want to share their work freely. (© [Ashley Bayles & Alexis Mauricio](#) - Used by Permission)



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What does this mean for teachers?

As teachers and educators we must be aware of the rules around intellectual property and do our best to follow them. It is important to set an example for our students and to teach them an awareness of crediting the creators of the work we enjoy on a daily basis. Since copyright is given the moment a new creative work takes form, all our students are owners of copyright. Students are often shocked to learn that they have copyright without having to register for it. They would want people to respect that in their work, just like we want them to respect the copyright that others have.

As educators we must set an example and attempt to follow copyright law to the best of our abilities by only copying work we have permission to copy, by always including the proper copyright notices on work, and by attempting to use public domain and creative commons work when fair use does not cover the work we need and when we cannot get licenses to copyrighted work.

What about the Public Domain?

The Public Domain depends on where you are located in the world, but generally speaking anything published before 1923 in the United States is currently in the public domain because their copyright has expired. Due to changes in copyright law some work published between January 1, 1923 and January 1, 1964 are in the public domain if their copyright was not registered. Some other works have stayed out of the public domain due to tricky legal work so it is always important to do your research before assuming that something is free to use. The entire works of Shakespeare are in the public domain, but you still need to get your hands on the text itself so this is when a resource such as [Project Gutenberg](#) becomes an educator's best friend. Check the Resources section for more information on this and other sites to make your life easier!

What is Fair Use or Fair Dealing?

Fair Use as it is called in the United States, or Fair Dealing as it is called in Canada and other jurisdictions are exceptions to copyright that allow for the use of copyrighted work without license depending on the purpose, amount used, and the effect on the market of the work. Most commonly this applies to uses for education, news reporting, and parody.

Limitations & Risks

Despite the protection offered by Fair Use and Fair Dealing, there is no guarantee that your use will be protected by Fair Use. The famous parody artist, Weird Al Yankovic, always asks for permission before parodying a song so he can get writing credits for the lyrics and receive royalties under copyright law. The best way to make sure you are using copyright works properly in classroom situations is to either use work that is in the public domain or work that is licensed under the Creative Commons.



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What is [Creative Commons](#)?

A Brief History

Creative Commons is a nonprofit organization that enables the sharing and use of creativity and knowledge through free legal tools. Their free, easy-to-use [copyright licenses](#) provide a simple, standardized way to give the public permission to share and use your creative work — on conditions of your choice. CC licenses let you easily change your copyright terms from the default of “all rights reserved” to “[some rights reserved](#).” Creative Commons licenses are not an alternative to copyright. [They work alongside copyright](#) and enable you to modify your copyright terms to best suit your needs.

Why CC?

The idea of universal access to research, education, and culture is made possible by the Internet, but our legal and social systems don’t always allow that idea to be realized. Copyright was created long before the emergence of the Internet, and can make it hard to legally perform actions we take for granted on the network: copy, paste, edit source, and post to the Web. The default setting of copyright law requires all of these actions to have explicit permission, granted in advance, whether you’re an artist, teacher, scientist, librarian, policymaker, or just a regular user. To achieve the vision of universal access, someone needed to provide a free, public, and standardized infrastructure that creates a balance between the reality of the Internet and the reality of copyright laws. That someone is Creative Commons.

The Licensing Suite

Creative Commons offers a core suite of six copyright licenses written to conform to international treaties governing copyright. The international licenses, as well as existing ported licenses, are all intended to be effective anywhere in the world, with the same legal effect. In the past, when it was demonstrated that a ported license was needed, Creative Commons worked with legal experts to craft a localized version of its six, core international licenses. Over 50 ported license suites exist. These ported licenses are based on and compatible with the international license suite, differing only in that they have been modified to reflect local nuances in how legal terms and conditions are expressed, drafting protocols and, of course, language. They are effective worldwide, as is the international license suite. The most recent international license suite available is [version 3.0](#).

Types of Creative Commons Licenses

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How does the Creative Commons work?

I have licensed my photos from Game 7 of the Stanley Cup Finals in 2011 under a [Creative Commons Attribution license](#) and one of my photos was used on a few articles on Wikipedia. As you can see from this image below taken from the Wikipedia article on the [Boston Bruins](#), my photo is on the left.

Sixth Cup and After

[edit]



Milan Lučić holds the Stanley Cup after the Bruins defeated the Vancouver Canucks in Game 7 of the finals, their first since 1972.

On February 15, 2011, the Bruins acquired center [Chris Kelly](#) from the Ottawa Senators after Savard's attempted comeback ended due to another concussion; this one delivered in Colorado by former Bruin [Matt Hunwick](#). Ottawa received the Bruins' second-round pick in 2011. Just two days later and on the brink of the trade deadline, the Bruins acquired defenseman [Tomas Kaberle](#) in a trade from the Toronto Maple Leafs in exchange for prospect Joe Colborne, a first-round selection in 2011, and a potential second-round pick in 2012 (which became official on May 27 when the Bruins clinched a berth in the Stanley Cup Finals). Mark Stuart and Blake Wheeler were also traded to the Atlanta Thrashers for [Rich Peverley](#) and [Boris Valabik](#).

In the 2011 Stanley Cup playoffs, the Bruins became the first team in NHL history to win a 7-game series without scoring a power-play goal, as they eliminated the Montreal Canadiens in 7 games, and also won their first playoff series after trailing 2 games to none. On May 6, the Bruins swept the Philadelphia Flyers in four games to advance to the Eastern Conference Finals for the first time since 1992. Boston then defeated the Tampa Bay Lightning in seven games and advanced to the Stanley Cup Finals for the first time since 1990 to face the Vancouver Canucks.

The Bruins lost the first two games of the series in very close contests, 1–0, on a goal with less than 19 seconds left in regulation, and then 3–2 in overtime. Game 3 did not start well for the Bruins either, as they lost [Nathan Horton](#) to injury at the 5:07 mark of the first period following a late hit by Canucks defenseman [Aaron Rome](#) that left Horton prone on the ice for nearly 10 minutes. Despite losing Horton to a devastating hit, the Bruins defeated the Canucks, with 4 goals in each of the second and third periods, twice scoring short-handed goals, and going on to win, 8–1. It was the highest score by one team, and largest winning margin, in a Finals game since 1996. Game 4 saw the Bruins defeating the Canucks in a 4–0 shutout. The home team continued to be the winner, with Game 5 in Vancouver going to the Canucks in a 1–0 shutout, then Game 6 going to the Bruins, who staved off elimination with a 5–2 defeat of the Canucks. The Bruins set a new record for the quickest four goals ever in a playoff series game, scoring in only 4:14 of game time in the first period of Game 6. Game 7, which was played in Vancouver on June 15, was the first time the Bruins have ever played in Game 7 of the Stanley Cup Finals. The Bruins shut out Vancouver 4–0, winning the sixth Stanley Cup in franchise history and breaking a 39-year Cup drought. The 2010-11 Bruins were the first team in NHL history to win a Game 7 three times in the same playoff

run.

When you click the photo you get taken to a [page on Wikipedia](#) with the copyright and creative commons information related to it and it links back to the [original photo](#) I had posted on [Flickr](#).

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Description	Boston Bruins forward Milan Lucic celebrates with the Stanley Cup after his team's Game 7 win against the Vancouver Canucks on June 15, 2011.
Date	15 June 2011, 06:59
Source	IMG_5526 ↗
Author	Ashley Bayles ↗ from Canada

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Additional Resources

[Wikimedia Commons](#)

Wikipedia is a great site to allow students to explore how Creative Commons items are used and provides very clear information on the licenses for each element of its site. The Wikimedia Commons compiles all the Creative Commons items on Wikipedia and across its related sites into one simple search.

[Wikinews](#)

Wikinews is a site under the Wikimedia umbrella that provides news articles under Creative Commons licenses and allows users to contribute their own articles.

[Flickr Creative Commons](#)

Flickr was one of the first sites to incorporate a Creative Commons area for the work of its users. As a photo sharing site this is a great resource for students to find images to use in their classwork or on their blogs. There is also the [Flickr Commons](#) which provides publicly held collections in a searchable digital format.

[Jamendo](#)

Is a music sharing site that uses Creative Commons licenses to make it legal to download or stream the music on the site. Students can search for new independent artists and use their music in their school work or anything else that is non-commercial without any concerns about infringing on copyright.

[Google Advanced Search](#)

Google's Advanced Search options allow users to search based on reading level and license type. These two options allow students to cater the results to their abilities and needs.

[Google Images Advanced Search](#)

This advanced search is for images within Google and allows students to search by license type, format type, image size, and even colour!

[CK-12](#)

Free and customizable educational resources, such as textbooks, to help make learning and teaching easier.

[SpinXpress - Get Media](#)

SpinXpress has a Get Media section where users can search for content based on license (including the specific type of Creative Commons license used), file type (image, audio, video).

[Encyclopedia of Life](#)

The Encyclopedia of Life is a free website that sources information from all over the internet to create an online resource of Earth's life forms. Much of the content on EOL is licensed under a Creative Commons license.

[Mark Twain Papers & Project](#)

This is a database of everything related to Mark Twain; his papers, his letters, etc and they are often searchable. As much of it is from before 1923 it is in the public domain.

[Project Gutenberg](#)

This is a database of many classic texts that are now in the public domain in the United States. These are free to download and distribute.

[Open Clip Art Library](#)

This is a database of high-quality free clip art that has been released into the public domain under a [Creative Commons Public Domain Dedication](#).

[iTunes U](#)

iTunes U allows instructors to upload course content and make it accessible to students online through apps and other programs. Students can access courses from all over the world and learn about anything they want from anywhere in the world.

[Khan Academy](#)

Provides thousands of free educational videos on many topics, especially in the sciences and maths. There is an educator and student area so students can log-in and teachers or tutors can track their progress.