

Rules of Thumb:
Copyright Considerations on Teaching in the Digital Environment

- ☞ Work on the Internet can be protected by copyright. Do not limit your concern for intellectual property rights to Hong Kong Law: the Internet does not recognize geographical boundaries¹.
- ☞ Make a single staff member responsible for managing computer systems in the school².

1. Dos

- a) To be risk-free, all the text, all the artwork and all music on such sites must be the work of the people responsible for the site, or else authorized by the copyright owners. The golden rule is ‘create your own work: don’t copy from others’. That way you can never encounter any risk of infringing copyright. Create material for yourself. If you must copy, always get permission. (Creating teaching resources by placing copyright materials³ on a web site for students and colleagues to copy is an infringement of copyright even if restricted access by pupils and staff is allowed, unless they are made in compliance with ‘fair dealing’ provisions⁴.)
- b) Electronic publishing tends to increase the likelihood of infringement because so many individuals will be potential publishers. **Prevention is the best policy and education and information** are crucial to effective prevention.
- c) As the law may regard a copyright infringement to include that of making a hyperlink to another web site (i.e., someone else’s copyright work) without permission. In the circumstances, it is recommend that you seek permission from the webmaster of the other website before creating a hypertext link.

Linking to other web sites:

- i) If planning to use a site in classroom, write a letter to the webmaster or owner of that site and explain your plan of use (e.g., wishing to download into a specific directory of your server). Explain how students will be accessing the local site. Promise to delete the local site after the class or course has been completed;
- ii) Use non-framed HREF links;
- iii) Look for a statement on the web whether the copyright holder want other people linking to their home page;
- iv) If permission is provided, the best policy is to provide a credit line near the item or at the bottom of one’s own web page;

¹ Copyright in Education in Hong Kong (URL: http://www.info.gov.hk/ipd/new_law/cpr_ed/cpr_ed_e.pdf), p.17, para. 4, line –7

² p.18, para. 3, first bullet

³ p.7, (How long does copyright protection last?)

⁴ p.10-13, p.24

- v) For copyrighted web sites, require students to copy down the URL and use it for their personal study;
- vi) Strictly observe the “fair use”/“fair dealing” rule when copying or using any postings of others’ works on the web.
- d) Obtain permission from students if one wishes to post his/her works on the web. Copyright in students’ work belongs⁵ to the students.
- e) Teachers may play sound and video recordings or a broadcast or cable programme (even if there are licensing schemes available):
 - the playing is in an educational establishment with restricted audience (only teachers, pupils and parents or guardians) and is for purpose of instruction⁶.
- f) Rented videos are only for domestic viewing, and to show rented videos in school is not appropriate (even if the video is being shown in an educational establishment with a restricted audience (of only teachers, pupils, parents and/or guardians) and is for purpose of instruction. If you plan to show hired videos, please check with the video rental outlet and get their agreement first⁷.

2. **Don'ts**

- a) Publish students’ works on the Internet without obtaining his/her approval.
- b) If linking to other web sites, do not:
 - i) use IMG references if permission has not been obtained from the owner of the site containing the image file
 - ii) set up a framed HREF link to others’ web sites
 - iii) ignore statements from the webmaster indicating that one should not link to a particular home page
- c) Do not distribute on the web students’ assignments embedded with copyright materials.
- d) Do not copy MIDI, WAV or MP3 file in another’s web site and copy the file and place it on your own web site.
- e) Do not believe in the popular myth that the ‘fair dealing’ provisions in Hong Kong’s copyright law can be related to a definitive percentage of work that can be copied. Some publishers and collecting societies also state that they don’t require a license for copying below a certain percentage of a work. However, if this is the case, you must ascertain from the copyright owner or collecting society what percentages are allowed⁸.

⁵ p.28, second bullet

⁶ p.21

⁷ p.21

⁸ Copyright in Education in Hong Kong, (URL: http://www.info.gov.hk/ipd/new_law/cpr_ed/cpr_ed_e.pdf) p.25, para. 2