
COPYRIGHT and FAIR USE

Using Intellectual Property Responsibly

i-SAFE Lesson Plan

Goal

Learners will develop knowledge of copyright and fair-use laws, and the responsibility that accompanies them.

Materials/Preparation

- copies of the resource and activity pages for each student
- answer key
- computer and accompanying PowerPoint presentation (optional)
- teacher resource: *Dig Deeper*, "Copyright Basics" (optional)
- computer access to develop web pages (optional)

Procedures

Lesson is facilitated with or without the use of the accompanying PowerPoint presentation.

Discussion 1

Hand out the fair-use reference page "Figuring Out Fair Use."

Discuss and/or review the following terms:

- intellectual property: intangible products of a creator, such as ideas, songs, poems, etc.
- copyright: provides legal protection to tangible expressions of intellectual property
- plagiarism: presenting another's work as your own (example: cutting and pasting into a research document without giving credit)

Introduce Fair Use

Background: Lawmakers realized that sometimes, to advance education, students and teachers needed to use products that were copyrighted. To cover these situations, they developed the fair-use laws, which create exceptions to copyright law for educational and other purposes.

- Discuss why fair-use exceptions might be granted.
- Discuss how the world/schoolwork might be different without fair-use exceptions.
- Fair Use is a complicated concept to understand, especially when you add all the new technology and ways to access material. This lesson will help you understand when material (after giving credit) can be fairly used without contacting the creator.

Activity

Direct students to engage in the project activity as directed on the activity page.

- Each student should already have the reference page "Figuring Out Fair Use."
- In addition, hand out the activity page "Is This Fair Use?"
- Allow students seven to 10 minutes to complete the activity page.
- Proceed to Discussion 2.

Discussion 2

Have students review what they learned from the activity. (Use the teacher's answer guide to discuss the correct answers to the scenario worksheet.) Cover these questions:

- What are some valid fair-use exceptions?
- What were some scenarios where fair use did not apply?
- What should you do if fair use does not apply and you want to use the work?

Discuss school projects students have done.

- When have you made use of the fair-use exceptions?
- When have I (the teacher) made use of the fair-use exceptions?
- Why do we still need to cite sources?

Activity 2

Divide students into groups of three or four. Direct them to engage in the project activity as directed on the activity page. In groups, brainstorm some simple rules or tips to serve as reminders of responsibilities when it comes to copyright laws and fair-use exceptions.

With computers option:

Students create a web page containing their rules/tips instead of using the worksheet.

Discussion 3

Provide time for student groups to present and discuss their copyright and fair-use tips. Each group should briefly include the following during the presentation:

- tips on copyright and fair-use exceptions
- what they learned from the assignment



Figuring Out Fair Use

It can be confusing! There are laws concerning intellectual property, and there are additional copyright laws. There are also rules concerning plagiarism. Finally we include the topic of fair use, which allows use of materials for certain educational reasons. So how do you figure out how to make a responsible decision?

Overview:

Intellectual Property: A product of the intellect that has value. Intellectual property can be intangible - like an idea. For example, if you came up with a great way of selling something you could patent your idea.

Copyright: The legal right granted to a creator to make money from what they create. Items that can be copyrighted are a form of intellectual property that are in a TANGIBLE form. For example, if you create a song, that is intellectual property. However, before it can be protected by copyright it has to be in a tangible form. (Written down, recorded, etc.)

Plagiarism: Copying someone else's work and presenting it as your own. You are plagiarizing if you cut and paste from the Internet, copy a picture, etc. and don't give credit to the author or creator.

Fair Use: A set of legal exceptions to copyright. Fair Use allows certain ways of using copyrighted material for educational purposes.

Being Responsible with Intellectual Property What are Your Responsibilities?

For students, fair use is fairly easy. You have more rights to properly use materials than anyone else. You can use graphics and content for educational purposes in small amounts. (30 seconds of a song, 1 picture from a book, etc.). Just remember to give credit so that you aren't guilty of plagiarizing. However, also remember that work cannot be publicly displayed or put into a situation where it could be distributed or copied. (Examples - website, contest, sell for school funds, etc.)

Fair Use is supposed to give you the right to enhance your education AND protect the creators and their monetary rights. To violate Fair Use laws is to violate copyright. Violations of copyright can carry some hefty penalties. And remember, there is no such thing as "not copyrighted." When you produce something, you automatically hold the copyright.

**It's a serious crime to violate these laws!
Be responsible and help others make good decisions too.**



||||||| **The following examples may help you understand how fair use works.** |||||||

Examples

Let's say you are doing a multimedia presentation for school. Under fair use laws you are allowed to use material found on the Internet or from CDs, books, etc. in your presentation without getting permission from the author. However, if you use this material without giving credit to the creator in a bibliography you are plagiarizing. In other words — use it, but cite your source.

Let's say you do give credit for the music and photos you use in the bibliography and you aren't guilty of plagiarizing. You've correctly followed fair use and your project gets an A+. Your teacher wants to showcase your work on the school website. Is this Fair Use? Unfortunately, No! You can't display work in a public forum without permission from the original creators. To present the project you are allowed to use music and pictures for an educational purpose — as soon as you go public with it, such as on the Internet, it is no longer considered fair use. *(Based on CONFU Guideline.)*

..... **Is This Fair Use?**

Directions:

Examine each scenario below and decide if it is Fair Use of copyrighted materials or not. Tell why, and give a responsible action that can be taken if needed.

Scenario 1:

You are compiling a video yearbook of your year in school as part of a school project. You are scanning in all of your photos of your friends and putting them to a slideshow with music. You use the song “I will Remember You” by Sarah McLachlan – it will make a perfect background. You own the CD so you put the whole track behind your creation.

Is This Fair Use? Yes No

Why? _____

Responsible Action: _____

Scenario 2:

You have edited together video footage of major news events throughout the year as part of a school project. This includes very short clips from news shows like NBC, CNN, etc. The project turned out so well that the school wants to use it as an intro to the video yearbook they are selling.

Is This Fair Use? Yes No

Why? _____

Responsible Action: _____

Scenario 3:



For a school project you and some friends interviewed people throughout the county on important events in history. These taped videos were hosted on the school website to demonstrate your work. Now you find out that a school across the county is using your video clips as an intro to their history fair.

Is This Fair Use? Yes No

Why? _____

Responsible Action: _____

Scenario 4:

You have a major paper due for school. You find a great website covering the information online. You cut and paste sections to put into your report. You don't need a bibliography for the paper so you don't bother to include one.

Is This Fair Use? Yes No

Why? _____

Responsible Action: _____

Scenario 5:

You created an awesome multimedia project on the solar system using graphics you found on NASA's website. Now your teacher wants to post your project on the school website as an example to others.

Is This Fair Use? Yes No

Why? _____

Responsible Action: _____

Copyright and Fair Use

Directions:

In your group, use this page to brainstorm a few simple tips to help you and others remember Copyright Rules and Fair Use Exceptions.

Create a simple poster or webpage from your list.

1. _____

2. _____

3. _____

4. _____

5. _____

Is This Fair Use?

Answer Key

Scenario 1:

You are compiling a video yearbook of your year in school as part of a school project. You are scanning in all of your photos of your friends and putting them to a slideshow with music. You use the song “I will Remember You” by Sarah McLachlan – it will make a perfect background. You own the cd so you put the whole track behind your creation.

Is This Fair Use? Yes No

Why? Fair use provides that you can use a portion of a song – less than 30 seconds, not the entire song. If you limited it, you would be ok.

Scenario 2:

You have edited together video footage of major news events throughout the year as part of a school project. This includes very short clips from news shows like NBC, CNN, etc. The project turned out so good the school wants to use it as an intro to the video yearbook they are selling.

Is This Fair Use? Yes No

Why? While this started as a school project, you cannot use other people’s work to make money. By including the project in a video yearbook and selling it, it is no longer fair use.

Scenario 3:

For a school project you and some friends interviewed people throughout the county on important events in history. These taped videos were hosted on the school website to demonstrate your work. Now you find out that a school across the county is using your video clips as an intro to their history fair.

Is This Fair Use? Yes No

Why? Even though this is YOUR work we are talking about, another school is allowed to use it under fair use laws for educational purposes. This is a one-time event and is educational.

Scenario 4:

You have a major paper due for school. You find a great website covering the information online. You cut and paste sections to put into your report. You don’t need a bibliography for the paper so you don’t bother to include one.

Is This Fair Use? Yes No

Why? While you are allowed to use information online in a report under Fair Use laws – realize this is PLAGIRISM. You need to cite sources and let others know these aren’t your original thoughts and ideas.

Scenario 5:

You created an awesome multimedia project on the solar system using graphics you found on NASA’s website. Now your teacher wants to post your project on the school website as an example to others.

Is This Fair Use? Yes No

Why? Material used for school projects cannot be posted in a public forum such as a website without permission.