

What's legal? (Part 1)

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Recently, a colleague approached me and asked about copyright and fair use as it pertained to education. As many people on campus begin to include more multimedia projects as forms of assessments (digital stories, podcasts, etc), she basically asked, "What's legal?" Is it okay for students to include movie clips in their digital stories? Is it legal for students to use famous photographs in their projects? What about the use of popular music?

To answer these questions, I've decided to set aside the next two weeks to discuss copyright implications. This week, I'll give a general overview of copyright law and highlight some resources that I use when I discuss fair use with my students. Next week, I'll feature some great online sources of multimedia content that can be used with student projects.

To better understand copyright, let's start with some basic definitions. **Copyright** is a set of rights given to authors, artists and other creators of original work that protects how their creations are used, copied, distributed and adapted. While copyright laws protect a person's creative works, the laws also provide the opportunity for those creative works to be used by others as long as the works are used fairly. So, what counts as **fair use**? United States law allows for the limited use of copyrighted material for commentary, criticism, news reporting, research, teaching or scholarship. Typically, four criteria are used to determine whether use of copyrighted material is fair or not.

1. the purpose and character of the use
2. the nature of the copyrighted work
3. the amount of the copyrighted work is used
4. the effect of the use on the copyrighted work's value and potential market

So what does all this mean for us as educators and for our students? Well, it depends on whom you ask. An article in [Tech & Learning](#) about 8 years ago provided a **copyright chart** that detailed different educational uses of copyrighted material and the amount of the material that could be used. Since the chart was really straightforward and easy to understand, many schools adopted the chart (or similar ones) as the law of the land. More recently, however, copyright charts have come under scrutiny by groups like [the Center for Social Media](#) that see the charts as being overly restrictive and sometimes inaccurate. They have developed **Guides of Best Practices** to provide direction when choosing copyrighted materials in different situations. Rather than giving specific restrictions, each of the documents provides basic principles to help guide people as they face recurrent situations. Here are links to their code books:

[Code of Best Practices in Fair Use for Online Video](#)

[The Code of Best Practices in Fair Use for Media Literacy Education](#)

[Code of Best Practices in Fair Use for OpenCourseWare](#)

When teaching about copyright and fair use in my instructional technology classes, I discuss the current debate. I introduce the copyright chart and its prevalence in schools. I also discuss the Guides of Best Practices and help them understand the principles. For example, one of the basic principles provided in all of the guides is that the use should transform the copyright work in some manner. I find this principle is easier for students to understand and apply in their classroom projects than following the arbitrary limits outlined in the copyright chart. Whether having students follow the chart or the Guides of Best Practice, it's important that students have

some boundaries and that they understand that they don't have free, unfettered access to copyrighted works for their projects.

Next week, we'll discuss public domain works, Creative Commons and different online sources for multimedia.

What's legal? (Part 2)

Posted on March 23, 2010 by olliedre

Last week, I introduced the concepts of **copyright** and **fair use** and provided some resources for determining what is legal to use in classroom situations. As more and more faculty members begin to use multimedia projects as forms of assessment with their students, I think it's important that students realize that copyright law governs the use of media educationally. Whether they are selecting music for a podcast or incorporating video into a digital story, students must be aware that while copyrighted works may be used in certain situations, they don't have complete, unregulated access to copyrighted materials.

This week, I want to talk about **public domain** works and introduce sources of multimedia materials for classroom projects. The term public domain refers to intellectual property not owned by anyone. As such, the works are open for use by everyone for any purpose. How does a work become part of the public domain? One way is by the copyright lapsing on a copyrighted work. For example, many older books are now part of the public domain. Check out [Google Books](#) and you'll see many of the works from William Shakespeare, John Milton and Walt Whitman available for download for free. Google can do this because the copyrights on these works have lapsed and the works are now in the public domain. Another source of public domain works is the government. Any material created by the United States government exists within the public domain. For example, the [NASA website](#) offers images from the Hubble Telescope and videos from different space missions. All of this media exists within the public domain and can be used by anyone for any reason, whether for academic, commercial or entertainment purposes.

So, how can someone find public domain works? One way is by using commons.wikimedia.org. Developed in conjunction with Wikipedia, this site offers a searchable clearinghouse of mostly public domain works. I say "mostly" public domain works because the site also houses creative works licensed through [Creative Commons](#). Creative Commons is a relatively new licensing system where creators can give up some of their copyright protections for the benefit of others. Developed by a Harvard law professor, Creative Commons seeks to expand the content that artists, poets, filmmakers and others can utilize in their creative endeavors. Much like the Open Source discussion in an early post, Creative Commons promotes "open access" to creative works where people have the ability to share their work with others freely. To see what media is available through Creative Commons, start by checking out the Creative Commons website. Besides Wikimedia and Creative Commons, there are other sources of content for student multimedia projects. For example, [Freeplaymusic.com](#) offers loads of free music for use with classroom assignments. When visiting sites that offer free content, however, it is important that students read the Terms of Service to make sure their academic use fits within a site's allowable uses