PART 3 TECHNOLOGY IN SCHOOLS: CHANGING TEACHING AND LEARNING

incorporate copyrighted Fair use guidelines

The answer is a special section of the copyright laws that is called fair use. The fair use section of the law identifies criteria under which you may be allowed to copy another's creative work. This section has enabled educators to use copyrighted materials temporarily if they meet the stated criteria. For example, students may use small portions of copyrighted works in academic projects if they properly credit and cite the owner of the work. Teachers may use reproductions of a copyrighted work in face-to-face classrooms as long as such reproductions are kept for only two years. Fair use ends, however, when the creator loses control of the use of the work, as may be the case when works used under fair use guidelines are subsequently reproduced on the Internet. It is your responsibility to be familiar with these guidelines when you select and use copyrighted materials.

The situation is even more complex when the copyrighted works are multimedia products (see Figure 10.6 on page 333). For example, you might ask your class to create a project web site. During this project, your students might wish to use a popular song as background audio for the home page. Or you might want to copy several pictures of African animals from a virtual museum you found on the web to add to a PowerPoint presentation to support your lesson. Can you and your students borrow these sound clips and images for your classroom activities? The answer is “no” unless the use of the audio and images falls within the scope of fair use for multimedia. Fair use criteria extend very specifically to multimedia, and there are very strict limitations on such use. For example, if your students want to use a particular song, current fair use guidelines limit the audio clip to 10 percent of the musical composition but not more than thirty seconds. Furthermore once copied, no alterations can be made to the clip that change the basic melody or character of the work. As to your desire to use pictures from a virtual museum, if the museum is displaying a single artist's work, fair use guidelines mandate that you cannot use more than five images without violating fair use. However if the museum is displaying a collection of assorted artists, you can use no more than 10 percent of that collection or no more than fifteen images, whichever is less. As you can see, the fair use guidelines are very specific and somewhat complex. Figure 12.5 summarizes key points of fair use for both print and multimedia resources. It should be noted that as copyright laws are tested in the courts and as educators and legal experts continue to explore the limits of fair use, these guidelines may change. As a professional, you have a responsibility to be aware of and adhere to the guidelines set forth by your school or district as well as the guidelines set forth by the courts. Determine which guidelines apply to your situation. As educators, you have a responsibility to be aware of and adhere to the guidelines set forth by your school or district as well as the guidelines set forth by the courts. Determine which guidelines apply to your situation.

Effect of the use on the work’s marketability

What impact does this kind of use have on the market for the work? Would the use substitute for the original? Would the use negatively affect the market potential of the original?

If your intended classroom use of copyrighted materials falls within fair use, then observe the following guidelines:

- Use the work in face-to-face teaching. Distance learning may have other restrictions.
- Limit copies of materials to small amounts of the copyrighted work.
- Be sure to include copyright notice and attribute the work.
- Limit use to a single class and only one year. You need permission to use the work repeatedly.
- Avoid making unnecessary copies.

For more detailed information, see Circular 21, “Reproduction of Copyrighted Works by Educators and Librarians,” and other related materials at http://www.loc.gov/copyright.

When using copyrighted materials, determine whether you have the right to use them by answering these questions.

Figure 12.5

Fair Use Guidelines

Self-Test

Before using copyrighted materials in your classroom, determine whether you have the right to fair use by answering these questions.

<table>
<thead>
<tr>
<th>Fair Use Factors</th>
<th>Questions to Ask</th>
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<tbody>
<tr>
<td>Purpose and character of use</td>
<td>What is the intended use?</td>
</tr>
<tr>
<td>Nature of the copyrighted work</td>
<td>What type of work is it?</td>
</tr>
<tr>
<td>Amount and substantiality of the portion used</td>
<td>How much of the work do you intend to use?</td>
</tr>
<tr>
<td>Effect of the use on the work’s marketability</td>
<td>What impact does this kind of use have on the market for the work?</td>
</tr>
</tbody>
</table>

4. Wikimedia Commons

Avoid making unnecessary copies.

...use the work, how often, how you would use it, and why. It is best to include an example of how the work will be incorporated. Permission, once requested, must be received from the copyright holder before you may use the work. Be sure to give your school administrator a copy of the letter granting you permission as well. You should then keep your permissions letter file available for as long as you use the copyrighted work.

As educators, it is important to model the behaviors expected of our students. Ignoring copyright laws or taking them lightly when it is convenient sets a bad example for students and suggests to them that it is acceptable to ignore or break the law occasionally. This is an unfortunate precedent to set, and it is an unprofessional and illegal activity to engage in, one for which you and your school could pay serious consequences. Teaching students about the copyright laws, on the other hand, is an opportunity to instill in them the values of the legal system and respect for others' property. Demonstrating adherence to and enforcement of copyright laws in your classroom can be a lasting and meaningful lesson for your students, and it remains a legal and professional responsibility for you.