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Copyright and Fair Use

Fair use is the right to use copyrighted material without permission under certain circumstances. This is especially true when the material being used has cultural or social benefits that are eminent. It is a general right that applies when the law has not provided authorization and can be seen in the classroom. So the next question is what is copyrighted material? Copyrighted material is a law that prohibits the copying of published materials. This law is best known for its protection of owners’ rights. But copying, quoting and generally re-using material can be, in certain situations and important way of generating and helping to improve the new generation of culture. In fact it is so well established that this part about new culture is written into the copyright law.

So what is the fair use document? This document is used to help educators that use media literacy concepts and techniques to know what and what they cannot use under copyright laws. Fair use is the right to use copyrighted media and materials under some circumstances. This guide identifies five principles in which it is okay to use copyrighted materials wherever and however it occurs in k-12 education, in higher education, and in nonprofit organizations that offer programs for children and youth, and in adult education.

So what is this document not? It does not tell you the limits of fair use. Instead, it tells how fair use rights apply in situations and how as educators and students those right may be extended to other situations as well. This is not a guide to using material that people have already given the permission to use and share because these documents can already be viewed and shared by anyone since the creator of them has given this option and opportunity. Fair use us not a guide to material that is already free without copyright. For example federal government works are free and able to be seen by the public domain. This is the same for many works that are older which also comply with the same rule. Lastly, it is not a guide in how to use materials who have no license and cannot be traced back to a certain author.

So the point of fair use agreements is to make sure that people know what the proper uses of copyrighted materials are. They make sure that they give credit or pay when it is due to the person who copyrighted the material. It helps people to become media literate. Media literacy is the capacity to access, analyze, evaluate and communicate messages in a wide variety of forms. It responds to the demands of cultural participation in the 21st century. It includes both the receptive and productive dimensions.

Through the five principles of fair use there are five practices in use of copyrighted material in media literacy education to which this doctrine applies. These five principles apply only for K-12 education, higher education and classes given by nonprofit organizations. When students or educators use copyrighted materials in their own work the can rely on fair guidelines created by others. These principles apply to all forms of media. Depending on the goal for use of the media, educators may use materials designed for entertainment and or persuasive or advocacy purposes.

The five different principles have different restrictions and limitations on the things that they cover. The first principle is employing copyrighted material into media literacy lessons. This means that under fair use teachers using the concepts and techniques of media literacy are able to choose from illustrated material from the full range of copyrighted sources and make them available to their students in the classroom. The second principle is using copyrighted material in preparing curriculum materials. Which means, teachers are able to use copyrighted materials in order to create lesson plans, materials, tool kits in order to apply the principles of media literacy in the their classroom. These often include clips, or copies of copyrighted work along with description of practices, assignments and assessment criteria. The third principle is media literacy curriculum materials are able to be shared. Educators using media literacy materials should be able to share effective examples of teaching about media and meaning with one another. This includes lesson plans, resources, and activities. The fourth principle is a student is able to use copyrighted material in their own academic and creative work. Students strengthen media literacy skills by creating and using media such as videos, images, sound and music. For this reason students are able to use concepts and techniques of media literacy and should be free to incorporate, modify and re-present existing media objects in their class work. The final principle is to develop audiences for student work. Students who are expected to behave responsible as media creators and encourage reaching people other than just those in the classroom should be allowed to share their work.