Intellectual Property for Teaching and Learning

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Basic Premises

- Many educators are unsure about their and their students' rights to intellectual property.
- The advent of digital communication technologies has greatly complicated an already complex issue.
- The doctrine of Fair Use provides educators teaching in a not-for-profit institution considerable freedom to use copyrighted material without permission or payment.

Problem Statement

In K-12, higher education, and after-school programs and workshops, teachers face conflicting information about their rights, and their students' rights, to quote copyrighted material. They also confront complex, restrictive copyright policies in their own institutions. As a result, teachers use less effective teaching techniques, teach and transmit erroneous copyright information, fail to share innovative instructional approaches, and do not take advantage of new digital platforms. (1)

Explanation of Fair Use

What is Fair Use?

It is not an infringement of copyright if works used fall under the "fair use" exception of copyright law. Fair use extends to the reproduction of copyrighted material for purposes such as criticism, comment, news reporting, teaching, scholarship or research. Factors used in determining if copyrighted material falls under the fair use exception includes, but are not limited to, whether the material is used for educational rather than commercial gain, the nature of the copyrighted work, how much of the entire work is used and the potential value of the copyrighted work.

Parsimonious Examples

Examples of fair use:

- Quoting passages from a book in a report for a class assignment.
- Linking to someone else's webpage in a report for a class assignment.

http://www.rider.edu/2564_3452.htm

Misinformation Is Plentiful

From a college academic integrity officer:

"Unless you

get permission,
credit properly, and/or
pay required fees,

using Internet material is illegal AND unethical. It's also increasingly easy to get caught."



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The Cost of Copyright Confusion for Media Literacy

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