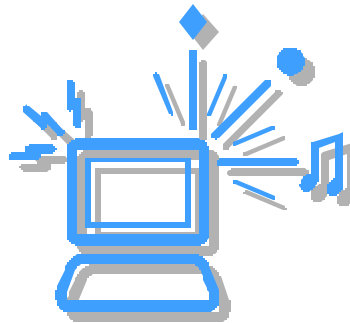




Fair Use and Copyright in the Digital Age

Who's Going to Know?



October 30, 2003

Group Discussion

Review the scenario indicated by the moderator with the other members of your group. Decide the scenario's level using the adapted Homeland Security Advisory System listed below. Also decide, if necessary, how to reduce the scenario's risk level and what campus resources are available to assist in reducing the risk level. Choose a spokesperson for the group who will briefly summarize your group's discussion.

Copyright Advisory System

Green	Low risk of copyright infringement
Blue	Guarded condition of copyright infringement
Yellow	Elevated risk of copyright infringement
Orange	High risk of copyright infringement
Red	Severe risk of copyright infringement

Scenarios

1. You discover that PBS will be airing a documentary related to a topic you will be teaching later in the quarter. You videotape the one hour documentary and decide that approximately 6 minutes of the program is relevant to your lesson. You show the 6 minutes in class and have it digitized to put on your password protected course website.
2. You decide to use Michael Moore's *Bowling for Columbine* as an introduction and springboard for discussion on societal violence. The night before class, you rent a copy at Blockbuster Video to show in your class.
3. Your students tell you that they are having a hard time obtaining reserved materials because of the large class enrollment. You have the readings for the next few classes scanned and place them on your course website. (Adapted from <http://www.cetus.org/fair6.html> Used with permission)
4. A world-renown biologist is giving a guest lecture for the molecular biology class you are teaching. Students routinely

tape-record the regular lectures you give and do so again on the day the special speaker comes. As part of an informal class website students have created to serve as an on-line study group, they upload both yours and the special speaker's lecture. While only members of the class check this web-site regularly, it is accessible to the general public.

5. You want to address the cultural relevance of Rap music in a Politics of Culture course and decide to make a CD of various artists to play in class. You recognize that you are not allowed to play full tracks of any one particular artist, so you take a sampling of various artists and string them together into one track of music. You are also post the track of remixed music to your course website to allow students to download it for study purposes.
6. A student creates a mnemonic device to the tune of Nelly's "It's Getting Hot in Here" in order to memorize the periodic table and solubility rules for her upcoming Chemistry exam. You hear it and suggest that she post it the course website so that other students can use it too.
7. A professor of the Cultural Anthropology teaching a course on racial discourses has developed an interactive web-page where students have been told to post questions, comments, and information they would like to share with their classmates. A large portion of the course is focused on the use of poetry and other literary forms as a means for perpetuating racist discourses to large numbers of people in a society. Impassioned by the topic the students began to find pieces of poetry that contained racist ideologies and began posting them along with their interpretations of the poems and a commentary on the racist acts performed by the authors in writing and publishing their work. Many of the poems were lengthy as were the interpretations and commentary offered.
8. A voice student is preparing for her senior recital and realizes forty minutes before her performance that several sheets of music are missing for two of her arias. You calm her down by explaining to her that one of the other students can download the sheet music off of the web since there is no time to buy replacements. She is pleased and asks if the other student could also download one other piece for her performance at the upcoming graduation in three days.

9. You are conducting research by finding materials on the Internet and locate a report that is directly relevant to your current study. The document was made available on the Internet with the copyright owner's permission, and you had lawful access to it. For research purposes only, you want to download a copy of the document to your hard drive and print a copy on the attached printer. (Adapted from <http://www.cetus.org/fair6.html> Used with permission)
10. You scan and make slides of a number of reproductions of artworks in a book on Italian painting and sculpture to show to students enrolled in your course. (Adapted from <http://www.cetus.org/fair6.html> Used with permission)

About 'Fair Use'

Section 107 of Title 17 of the U.S. copyright act sets down four factors to be considered in determining if a particular use is fair:

- "the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes
- the nature of the copyrighted work
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole
- the effect of the use upon the potential market for or value of the copyrighted work."

In 1996, a Congressional subcommittee on intellectual property published the *Fair Use Guidelines for Educational Multimedia*. The *Guidelines* recommended limitations based on time, portion, copying and distribution.

According to the *Guidelines*, educational multimedia projects containing copyrighted material should be limited to a period of two years after their first instructional use.

With regard to portion limitations, the *Guidelines* suggest:

- o Motion media (e.g., video) - up to 10% or 3 minutes, whichever is less.
- o Text - up to 10% or 1000 words, whichever is less.
 - ✎ Poems - up to 250 words, but further limited to:
 - ✎ three poems or portions of poems by one poet; or

- ✍ five poems or portions of poems by different poets from an anthology.
- Music, Lyrics, Music Video - up to 10% but no more than 30 seconds.
- Illustrations, Photographs - up to 5 works from one author; up to 10% or 15 works, whichever is less, from a collection.
- Numerical Data Sets (e.g., databases) - up to 10% or 2500 fields or cell entries, whichever is less.

With regard to copying and distribution the *Guidelines* recommend “that the technology prevents the making of copies of copyrighted material”. Where this is not possible the *Guidelines* say that the students should be told not to make copies and that the material should only be made available for 15 days, and then could be placed on reserve for up to two years.

Further Study & Resources

U.S. Copyright Office, Library of Congress

<http://www.loc.gov/copyright>

University of California Copyright Education Website

<http://www.universityofcalifornia.edu/copyright/>

UCLA Library Copyright Policy

<http://www.library.ucla.edu/copyright/>

University System of Georgia Guide to Copyright

<http://www.usg.edu/admin/legal/copyright>

Consortium for Educational Technology in University Systems

<http://www.cetus.org/fairindex.html>

University of Texas System Crash Course in Copyright

<http://www.utsystem.edu/ogc/IntellectualProperty/cprtindx.htm>

Music Library Association, Copyright for Music Librarians

<http://www.lib.jmu.edu/org/mla/>

Panelists

Rebecca Goodman

Office of Intellectual Property Administration

<http://www.research.ucla.edu/oipa>

Pat O'Donnell

Media Library

<http://www.oid.ucla.edu/imlib>

Gordon Theil

Music Library, Arts Library

<http://www.library.ucla.edu/libraries/music>

Kent Wada

Office of Information Technology

<http://www.oit.ucla.edu>

Moderator

Julie-Ann McFann

Office of Instructional Development

<http://www.oid.ucla.edu>