Copyright and Fair Use

Alexis Hoffmann

OTL 504 – Social, Ethical, and Legal Issues in 21st Century Learning

Colorado State University – Global Campus

Dr. Michael Miller-First

September 17, 2017

**Just In Time Social/Ethical Lesson: Copyright and Fair Use**

**Objectives**

In this lesson, students will:

* Identify common beliefs about copyright law and fair use.
* Understand the meaning of intellectual property.
* Understand how the Constitution empowers Congress to protect the intellectual property of citizens.
* Define and apply permissions granted by copyright law to various scenarios.
* Evaluate current challenges to intellectual property including file sharing; the *Harry Potter Lexicon* copyright case; and Web sites such as Turnitin.com

We will begin the lesson with reviewing the following terms:

* Intellectual property: intangible products of a creator, such as ideas, songs, poems, etc.
* Copyright: provides legal protection to tangible expressions of intellectual property
* Plagiarism: presenting another’s work as your own
* Fair Use: Using a small amount copyright material for educational purposes

Once students have an understanding of these terms (and have seen the Infographic found at [https://infograph.venngage.com/p/305872/copyright-and-fair-use)](https://infograph.venngage.com/p/305872/copyright-and-fair-use%29) , students will work in their Kagan squares to go over scenarios related to fair use of copyrighted materials. Students will examine each scenario below and decide if it is Fair Use of copyrighted materials or not. They will have to justify their answer and explain what a reasonable action would be if fair use does not apply in the scenario.

 Students will then read excerpts from *The Rights of the Colonists* by Samuel Adams and *Property* by James Madison, and discuss the difference between physical rights and other types of rights. After participating in a class discussion about intellectual rights, students will analyze scenarios in which intellectual property rights may apply. After reading each case study, students will evaluate current challenges to intellectual property in the wake of advancing technology and answer the following questions:

* How has intellectual property been treated as new technology develops?
* Predict what will happen to industries that do not adapt to new technologies.
* Is the very concept of copyright obsolete in the 21st century? Should it be? Justify your answer.

 This lesson focuses mainly on the ISTE standard 2c (Students demonstrate an understanding of and respect for the rights and obligations of using and sharing intellectual property.) There are also elements of the importance of 5th theme of digital citizenship which is Digital Etiquette: electronic standards of conduct or procedure and the 7th theme of Digital Rights and Responsibilities (Ribble, 2017). It is ever increasingly important for students to understand that while access to materials to help them in their educational career are abundant, it does not mean that they can cut corners and not give credit where credit is due.

References:

ISTE standards for students. (2017). Retrieved August 31, 2017, from http://www.iste.org/standards/standards/for-students

Property. *James Madison: Writings,*ed. Jack N. Rakove (New York: Library of America, 1999), 515-517. Retrieved September 17, 2017, from http://teachingamericanhistory.org/library/document/property/

Ribble, M. (2017). Nine themes of digital citizenship. Digital citizenship: Using technology appropriately. Retrieved from http://www.digitalcitizenship.net/Nine\_Elements.html

Stim, Rich. Dear Rich: Nolo's Patent, Copyright and Trademark Blog, Author, Nolo Press. (2017, April 10). Measuring Fair Use: The Four Factors. Retrieved September 14, 2017, from http://fairuse.stanford.edu/overview/fair-use/four-factors/

The Rights of the Colonists: Samuel Adams, 1772. (n.d.). Retrieved September 17, 2017, from http://www.constitution.org/bcp/right\_col.html