

## Copyright: Do It Right the First Time

I am still surprised to find that teachers and students often take an all-or-nothing approach to respecting copyright. Some teachers either seem to be so afraid of copyright law that they stifle the creativity of their students and disallow any collaborative use of media. Other teachers are under the assumption that all use of media is fair when working under the umbrella of education. Both extremes can be misleading and keep students from developing a positive attitude toward using technology that supports collaboration. Teachers who stay at polar ends of copyright law lose out on an important opportunity to teach respect for copyright and intellectual property.

### What Is Copyright?

Let's cover the basics to gain a clear understanding of the issue. Copyright law protects the Constitutional rights of citizens "by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Copyright laws prevent you from taking an original work and reproducing, distributing, displaying, performing that work, or creating derivative works (something based closely on the original) from that work. This seemed pretty clear until the Fair Use Doctrine became part of the Copyright Act, and the waters became muddied (for more information, go to [copyright.gov](http://copyright.gov)).

It can be considered fair to use a certain amount of an original work for a purpose other than to make a profit from that work. Examples of this kind of

use include scholars quoting a work in their research or journalists publishing excerpts of the original work in a review or critique.

Another fair use of copyrighted work is the transformation of the original work so that the new work is substantially different from the original. An example of transformative work is Andy Warhol's Campbell's Soup paintings. Yes, Warhol used images from the Campbell's Soup cans, but he created pieces of art, not soup. While the concept of fair use does include all the uses of copyrighted works, it can be complicated and is often decided on a case-by-case basis. It is very easy to go too far in your use of a copyrighted work and end up violating the law.

### What Is Fair Use?

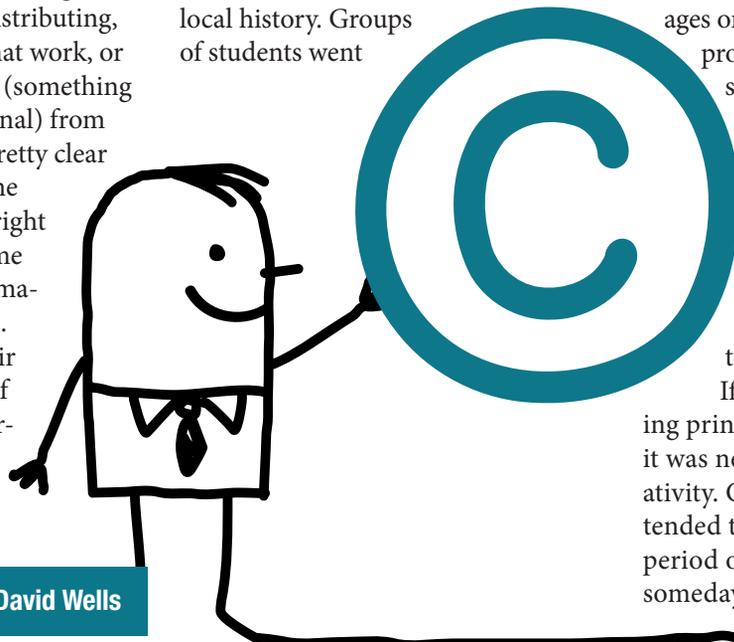
The tricky nature of fair use can lead students and teachers into murky copyright waters. A well-intended example at my own school was a wonderful local history project created by third and fourth graders. The teacher had encouraged students to use digital resources to document local history. Groups of students went

out to local farms and captured precious images of their community. The teacher's original intention was to make physical copies of these movies for students, so using a commercially recorded song as a soundtrack did not seem to be an issue. The students did such an excellent job creating these documentaries that it was suggested that the videos be broadcast on the local-access television channel. This is where copyright law brought this project to a grinding halt. Nobody had thought twice about using commercial music when the project was created in house, but now we had documentaries that could not be broadcast to the community due to copyright law.

Using copyrighted music as a soundtrack, even for a school project, is not fair use. Had the teacher and students started the project with a full understanding of copyright law, they would have used public domain or Creative Commons music, and they easily could have shared their work with the entire community.

Seeing the trouble that this class encountered with their project, other teachers might vow never to use images or music in a school-created project again. While this might seem to be the safer route to take, we would be ignoring our responsibility to teach students to be collaborative and to respect intellectual property. It is hard to learn about respecting intellectual property when you never get to touch someone else's work. If you take a look at the founding principles behind copyright law, it was never intended to prohibit creativity. Copyright was originally intended to protect a work for a limited period of time so that work could someday become the foundation

By David Wells



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and inspiration for a whole new creative work. Modern copyright laws run contrary to this original intention as works became protected for 14, then 70, and now, in some cases, 120 years after their original creation. Copyright law should not be used to curtail our students' creativity.

### What's a Teacher to Do?

Fortunately, there are ways we can fulfill our duty to teach students to be collaborative while respecting copyright and intellectual property. Creative Commons is an organization that helps artists license their work in a way that allows sharing and collaborating while still protecting the artist's rights. Artists, including teachers and

students, can license their work and decide how it can be shared, if it can be transformed, and if it can be used commercially. When you use Creative Commons works, the artist has already given you express permission to use his or her work as long as you give proper credit. The site [www.creativecommons.org](http://www.creativecommons.org) will help you create your own license and help you search for Creative Commons works that you can build upon. Some examples of places where you can find Creative Commons works include:

**Google Images and Flickr.** Both of these sites have advanced search features that allow you to filter for images that are labeled for reuse.

## Digital Citizenship

**Jamendo.com.** This site publishes thousands of music tracks with Creative Commons licenses.

**Blip.tv.** This site publishes original video content licensed under Creative Commons.

By understanding and teaching the essential concepts behind copyright and fair use, we encourage our students to be respectful digital citizens. By using works with a Creative Commons license and using the Creative Commons license ourselves, we support creativity.

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