

## **Respect, Copyright, and Fair Use Scenarios Teacher Answer Sheet**

Review the assigned scenario from below for you or your group. Then think of instances when respectful school or personal Fair Use has applied to you and your classmates. Consider both school applications such as essays or research papers and personal life application such as file sharing and downloading content from the web. Then individually or as a group consider if your assigned scenario(s) below would be permissible as Fair Use. After you or your group have made your decision, either you or an assigned group leader should read to the entire class your scenario and report your decision if it is a Fair Use or not and why or why not.

1. Dave's geology research paper is a historical review of earthquake activity in the Cincinnati region. He has used one book, an encyclopedia, a USGS Geological Survey government document, and several subject related Web sites to compile background for the paper. Although he has cut and pasted a few quotes from the Web, these were presented with quotation marks and sources listed. He summarized the rest of information in his own words. He has cited all of his summaries and quotes which are not common knowledge or his own original thoughts. Is this acceptable? Explain why it is or is not Fair Use.

Yes, because Dave is using a public domain government document and Fair Use portions of the other web resources. Although not related to copyright, he has given credit where credit is due and used proper research paper techniques including limited direct quoting when necessary and summarizing most of the content in his own words. Reminder that attribution is not related to copyright and fair use.

2. Julie purchases music from legal Web sites such as iTunes and Rhapsody which she burns to her MP3 player. Is this legal? Why or why not?

Yes, Julie is using the legally acquired download music for her own personal use.

She frequently shares these music files with her friends. Is this legal? Why or why not?

No, it is illegal to file share no matter how small the amount of music shared with others. Unless the music provider post an exception, it is wrong to file share with others. However, she might be able to make other copies for her own personal use, e.g. one copy for her computer and other for her MP3 player.

3. Grandma films her grand kids, great nieces, great nephews, and their friends. She has created DVD copies of the family films to give to relatives and friends. Some of the scenes in the film are from a high school musical in which the kids performed. For each copy distributed, she asks for reimbursement cost to pay for the blank DVD. Is this OK?

Yes, grandma is distributing copies of her own personal videotape which she created of her family. She is the author of the work and may do with it whatever she wishes. However, she should be careful not to include too much of the commercial music from the high school musical which may be copyrighted if she sells the tapes.

4. Tom likes to read the *Harry Potter* stories and decides to copy his favorite chapter from each book of the series using a photocopier. He custom designs his own booklet which includes images found on the Web from the popular Harry Potter films as well as posted comments of fans on blogs from the Web. He has obtained no permission from the author, film creator, or blog authors. He plans to sell the booklet to Harry Potter fans on the Web. Is this a good idea?

No, because this is not legal. Tom must obtain permission from the author of the book, the film creator, and the blog authors too. If he were not sell his booklet, used much smaller portions of the works, and transformed the work in some way, he might qualify for Fair Use. He might want to talk with his school teachers or a librarian to clarify this further.

5. Jane and her friends like the poetry of today's contemporary poets published in a new book entitled *Today's Best American Poetry*. They decided to scan the entire 200 page book to share on their social networking Web pages with their other friends. They have made no attempt to obtain permission from the publisher of this anthology collection since they are not selling the copy of the book. Is this permissible? Explain why it is or is not Fair Use.

No, Jane and her friends should use limited amounts of the works which they wish to share with their friends. Perhaps, if they used smaller portions and added value with annotations and feedback, it might qualify as Fair Use. Otherwise, they should obtain permission from the authors.

6. Jim discovered a new file sharing network and found bootleg copies of the latest Hollywood blockbuster movie. Knowing that his homeroom period was going to be extended for the next week, he downloads the flick, burns it to DVR and takes it to school. His teacher agrees to play the film for the class. Is this legal? Is it Fair Use? Are there any consequences? If so, for whom and what are the consequences?

No, this is not legal. First, Jim has not legally acquired the movie. Bootleg copies should be avoided if at all possible. Displaying a film for entertainment purposes in the classroom is not Fair Use. If the movie were legally acquired and tied to a lesson in the classroom, then it might fall under Fair Use. There are legal consequences for Jim, his teacher, and his school. Any of these parties could be taken to court and responsible for legal fines and court costs.

Handout source: Creative Thinking @ <http://creativethinking.nku.edu/>