

**Helping Our Students Ethically Navigate the  
21st Century Information Landscape  
June 22 – 23, 2010 VA Beach LMS Conference**

**Kristin Hokanson**  
[kristin.hokanson@gmail.com](mailto:kristin.hokanson@gmail.com)

<http://copyrightconfusion.wikispaces.com/LMS-VA2010>

**Copyright in the Constitution (p 18)**

Government can establish a copyright system to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.

-Section 1 Article 8 US Constitution 1787

**Fair Use (p 19)**

Fair use is not an infringement of copyright. Section 107, The Fair Use Doctrine of the Copyright Act of 1976 sets out four factors to be considered in determining whether or not a particular use is fair:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for, or value of, the copyrighted work

This includes reproduction in copies for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, and research.

**FIVE PRINCIPALS OF CODE OF BEST PRACTICES (p.70)**

**Educators can:**

1. make copies of newspaper articles, TV shows, and other copyrighted works and use them and keep them for educational use
2. create curriculum materials and scholarship with copyrighted materials embedded
3. share, sell and distribute curriculum materials with copyrighted materials embedded

**Learners can:**

4. use copyrighted works in creating new material.
5. distribute their works digitally if they meet the transformativeness standard

**TRANSFORMATIVENESS (pp 44-49)**

1. Did the unlicensed use “transform” taken from the copyrighted works by using it for a different purpose than that of the original or did it just repeat the work for the same intent and value as the original?
2. Was the material taken appropriate in kind and amount, considering the nature of the copyrighted material and the use

If the answers to these questions is YES, a court is likely to find a use fair.