Figuring Out Fair Use

It can be confusing! There are laws concerning intellectual property, and there are additional copyright laws. There are also rules concerning plagiarism. Finally we include the topic of fair use, which allows use of materials for certain educational reasons. So how do you figure out how to make a responsible decision?

Overview:

Intellectual Property: A product of the intellect that has value. Intellectual property can be intangible - like an idea. For example, if you came up with a great way of selling something you could patent your idea.

Copyright: The legal right granted to a creator to make money from what they create. Items that can be copyrighted are a form of intellectual property that are in a TANGIBLE form. For example, if you create a song, that is intellectual property. However, before it can be protected by copyright it has to be in a tangible form. (Written down, recorded, etc.)

Plagiarism: Copying someone else’s work and presenting it as your own. You are plagiarizing if you cut and paste from the Internet, copy a picture, etc. and don’t give credit to the author or creator.

Fair Use: A set of legal exceptions to copyright. Fair Use allows certain ways of using copyrighted material for educational purposes.

Being Responsible with Intellectual Property

What are Your Responsibilities?

• For students, fair use is fairly easy. You have more rights to properly use materials than anyone else. You can use graphics and content for educational purposes in small amounts. (30 seconds of a song, 1 picture from a book, etc.). Just remember to give credit so that you aren’t guilty of plagiarizing. However, also remember that work cannot be publicly displayed or put into a situation where it could be distributed or copied. (Examples - website, contest, sell for school funds, etc.)

• Fair Use is supposed to give you the right to enhance your education AND protect the creators and their monetary rights. To violate Fair Use laws is to violate copyright. Violations of copyright can carry some hefty penalties. And remember, there is no such thing as “not copyrighted.” When you produce something, you automatically hold the copyright.

It’s a serious crime to violate these laws!

Be responsible and help others make good decisions too.

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The following examples may help you understand how fair use works.

Examples

• Let's say you are doing a multimedia presentation for school. Under fair use laws you are allowed to use material found on the Internet or from CDs, books, etc. in your presentation without getting permission from the author. However, if you use this material without giving credit to the creator in a bibliography you are plagiarizing. In other words — use it, but cite your source.

• Let's say you do give credit for the music and photos you use in the bibliography and you aren't guilty of plagiarizing. You’ve correctly followed fair use and your project gets an A. Your teacher wants to showcase your work on the school website. Is this Fair Use? Unfortunately, No! You can't display work in a public forum without permission from the original creators. To present the project you are allowed to use music and pictures for an educational purpose — as soon as you go public with it, such as on the Internet, it is no longer considered fair use.

(Based on CONFU Guideline.)