# Module 8 – Ethics and Copyright

**Scenario 1: Chapter**

Mr. Roberts is teaching a distance Web 2.0 class for the first time. He has a favorite textbook he is drawing ideas from that he would normally use in his physical classroom, but since the class is all computer based, he doesn’t want the students to have to buy physical book, keeping with the internet theme. So, Mr. Roberts decides to scan a total of eight chapters from the 24 chapter book. These scanned chapters he posts onto his course management website for the students to download and read. Each page he scanned has a citation showing where the pages came from.

1. The purpose and character of the use: The purpose of this work is solely for non-profit educational uses and only to those enrolled in the class, according to the TEACH Act, and so falls under fair use.
2. The nature of the work: The nature of this work is non-fictional, and it is has been published, which both lean towards fair use.
3. The amount and substantiality of the portion used in relation to the work as a whole: The amount of the work that has been reproduced may be more than is considered necessary to meet the user’s needs, and will most likely be used for several semesters, thus falling under copyright law, and not fair use.
4. The effect of the use on the market or potential market for the original work: As the students will be using around 25% of the work, and it could be reasonably expected of them to purchase the entire work, there is a negative effect on the potential market for the original textbook, which falls under copyright law, and not fair use.
5. Is it fair use? Not with the amount copied which will be used for several semesters. Mr. Robert either needs to decrease the amount of copied material or his students need to buy the textbook.

**Scenario 2: Videos**

In Mr. Robert’s Web 2.0 class, the first assignment is to make a personal webpage. Mary wants her homepage to show her love of a popular boyband. So, Mary searches the web using her favorite search engine and finds a music video produced by the band’s company. She embeds the music video into her homepage so that it plays immediately upon entering her site. At the bottom of her site she references the webpage where she got the music video from.

1. The purpose and character of the use: The purpose of the video is to enhance the appeal of a personal website that was assigned for a class, making the overall purpose education, and not commercial, thus falling under fair use.
2. The nature of the work: The nature of the work is artistic and original, and so less likely to be covered under fair use.
3. The amount and substantiality of the portion used in relation to the work as a whole: The entire music video was posted on the website, more than what was necessary for the assignment, making it unlikely to fall under fair use.
4. The effect of the use on the market or potential market for the original work: Mary embedding the music video in her webpage will not affect the market, as the music video was already free to the public.
5. Is it fair use? Overall, this would be something the courts would have to decide, probably leaning on the copyright infringement side, but to be safe, Mary should transform the video into something unique, or only post a short clip.

**Scenario 3: Music and audio clips**

In the same personal webpage assignment James saw what Mary did, but didn’t want to have to edit the media. So James decided to have his webpage play his favorite classical music score upon entry. James knew Claire de lune would be copyright free since it was originally published in 1905. Still, he had to find a copyright free version of the song, since recent recordings would still have valid copyrights. So, he used a search engine to find a copyright free version of the song to embed into his webpage, with credit given to the source at the bottom of his webpage.

1. The purpose and character of the use: The purpose of the music is to enhance the appeal of a personal website that was assigned for a class, making the overall purpose education, and not commercial, thus falling under fair use.
2. The nature of the work: The nature of the work is artistic and original, making it less likely to fall under fair use.
3. The amount and substantiality of the portion used in relation to the work as a whole: James only embedded a small section of the song, increasing it’s fair use likelihood.
4. The effect of the use on the market or potential market for the original work: As the version he used is copyright free, the creator has no intention of monetary gain from their work.
5. Is it fair use? As the song was published before copyright dating, it falls into the public domain, making it copyright free.

**Scenario 4: Images**

Mr. Roberts wants to find a graphic to help explain networking. In order to avoid copyright infringement he searched for the desired image in a free stock photo gallery open to public use. He also searched using Google’s copyright tools search options. Having found the graphic, Mr. Roberts uploads the image to his class webpage, with credit given to the source, and instructs his students to view the image.

1. The purpose and character of the use: The purpose of this work is solely for non-profit educational uses and only to those enrolled in the class, according to the TEACH Act, and so falls under fair use.
2. The nature of the work: The nature of the work is creative and original, making it less likely to fall under fair use.
3. The amount and substantiality of the portion used in relation to the work as a whole: The entire image was used.
4. The effect of the use on the market or potential market for the original work: As this was a free stock image, there was no impact on the market.
5. Is it fair use? Normally, no, but since Mr. Roberts used a free stock photo or Google’s copyright search tools, then the image is copyright free.

**Scenario 5: Blogs**

George found a blog discussing the applications of videogames in education. This blog was very helpful in a recent assignment about the future of education. But George isn’t sure if the blog is considered copyrighted or not. He needs to know if he needs to get permission before using the content in his assignment, or if it solely covered under fair use.

1. The purpose and character of the use: The purpose of the work is educational and not commercial.
2. The nature of the work: The nature of the work is creative and original, and according to the U.S. Copyright Office, published.
3. The amount and substantiality of the portion used in relation to the work as a whole: While no actual text and only a small amount of the content was used, it was the heart of the content, the idea, which leans towards copyright.
4. The effect of the use on the market or potential market for the original work: The use of the idea in the assignment caused no loss in the potential market for the blogger.
5. Is it fair use? As long as the student references the idea as the blogger’s, the use falls under fair use for educational purposes.

**Scenario 6: Webpage links**

Jane is finishing her final assignment in Mr. Robert’s Web 2.0 class about distance learning and autism. As a final touch, Jane wants to include a couple of links to a few webpages she found interesting for other students to explore who have similar interests. These webpages range from professional news to personal blogs. While linking has some gray areas regarding copyright, Jane feels her links will be legally accepted.

1. The purpose and character of the use: The purpose of the work is educational and not commercial.
2. The nature of the work: The nature of the work is mostly factual, and not creative.
3. The amount and substantiality of the portion used in relation to the work as a whole: A link represents the entire work, but really only part of an idea is being used, and only because it is linked from a webpage about a specific topic.
4. The effect of the use on the market or potential market for the original work: As Jane’s links will only bring more web traffic to these sites, the effect on the potential market will be positive, if any.
5. Is it fair use? Yes, because the purpose is educational, and linking is generally considered copyright free with only a few exceptions.

References:
Simonson, M., Smaldino, S., & Zvacek, S. (2015). Teaching and Learning at a Distance: Foundations of Distance Education, Sixth Edition. Charlotte: Information Age Publishing