

An Educator's Guide to Intellectual Property

Dear Educator,

The horizons available to us as educators, and to our students, in their journey of learning discovery and action are immense. It is a brave new world.

The information, the worlds available to our students, is no longer simply contained within the bounds of a book. With the click of a mouse lie a plethora of ideas, images, videos, music, connections, and more. These are not one-way interactions between a passive audience receiving definitive “knowledge.” They are constellations of reciprocal interactions which we need to guide our students through; our youth are active agents in this new forming and reforming mediated landscape. They rip, burn, share, blog and publish, both taking from and contributing themselves to this very public, virtual world.

We have a professional responsibility and educational opportunity to teach learners as young as kindergarten, straight through secondary school and beyond, for comprehensive understanding of intellectual property and the rights it protects. This allows learners to respect the rights of the authors of creative works, while infusing them with a learning of their own rights as they themselves are creators in this digital world. This guide includes an **Overview and History on Intellectual Property, FAQ, Teaching Activities for all grade levels, Recommended Sites and Resources, and References.** All of the sections of this guide intend to better equip educators to expertly teach students the rules, flexibility and possibilities available to them, and to inspire students' creation and contribution to this mediated landscape with works of intellectual property of their own.



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Intellectual Property: An Overview

The picture book we animatedly share with our students, the passionate poem or speech we show, and even the musical or artistic piece we incorporate to teach history, to illuminate life, are all examples of Intellectual Property (IP), the creative works of another. These sources play an integral role in education; it is from the seeing and considering of another's work that we are better able to foster learning, and independent and collaborative creation. Working upon a blank slate, without the sharing of the ideas and creative works of others, would make education incomplete. Intellectual Property is a “fuel of classroom creativity, inspiring students to expand their ingenuity and ambitions”⁴. Inspiration and learning can be taken from this property, but students must be taught, and educators informed, as to their rights and responsibilities, particularly since the internet is, relatively speaking, an infinite well of information.



“He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me.”

— Thomas Jefferson, *Selected Writings*

Intellectual Property (IP) are “the rights given to people over the creations of their minds”⁶. According to the World Trade Organization and Canadian Intellectual Property Office, this includes all works fixed in a tangible medium, such as paper, paint, film or digital code—essentially any form in which an individual has laboured over an idea to create it, giving it exact expression⁷.

The History of Intellectual Property

The rise of the printing press led to the introduction of copyright laws in Medieval Europe, specifically the 15th century. During the Renaissance the first evidence of copyright law was issued to the famous Florentine architect Filippo Brunelleschi, but it did not extend to other artists and architects⁸. The first statute of copyright, protecting Intellectual Property, is considered the Statute of Anne (1710), in which it is stated: “for the encouragement of learned men to compose and write use books, be it enacted ...”⁹. In Canada, until 1911 copyright law followed the British code of *Imperial Copyright Law*. Since 1911 we as a nation have created and reformed our own copyright code. Several revisions have been enacted as technology advances to include types of work that we now eagerly utilize and contribute to through our digital developments (including sound-recordings, motion pictures and software)¹⁰. As we work Intellectual Property into every fibre of our role as educators it is imperative that we understand our rights and responsibilities regarding Intellectual Property, and that we expertly guide our students through these codes and opportunities.

Frequently Asked Questions: FAQ

What is copyright?

A bundle of intangible rights granted to the author or originator of literary or artistic productions, whereby, for a limited period, the exclusive privilege is given to that person (or to any party to whom he or she transfers ownership) to make copies of the same for publication and sale. These works include books, articles, sheet music, illustrations, photographs, motion pictures, sculptures and computer programs¹¹. Copyright is automatically granted.

When does something belong to the public domain?

The public domain refers to works that are not protected under the Copyright Act, are not owned or controlled by anyone and are free for use in part or entirety. Works in the public domain can be used and copied by anyone without liability for infringement. Facts, news and events are open to the public domain. UNESCO adds that it is for our world's betterment that information, knowledge and culture be made readily available through the internet and for the public domain for the enrichment of all, as stated in the UNESCO (United Nations Educational, Scientific and Cultural Organization) constitution: "the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern"¹³.

How long does copyright protection last?

In Canada, copyright of a written work lasts for the life of the author plus fifty years beyond the end of the calendar year in which they died. Works in other media such as film and sound recordings are granted different terms which are generally not linked to the life of the author. Instead, they are granted a fixed term from the time of their creation, often fifty years¹².



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What is copyright's role in the classroom?

In Canada the "Fair Dealing" provision allows for more freedom of IP use by educators, but not extensively. Thus, educators must understand the legal stipulations of copyright for their own use, and for the knowledgeable instruction and guidance of our youth, as ourselves and our practice are inextricably involved in this digital landscape. In teaching students their rights and responsibilities we are enabling them to be active agents in the world and ethical decision-makers.

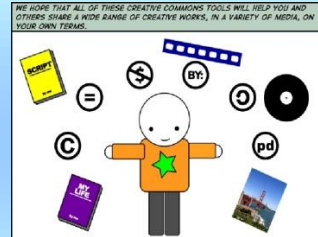
What is the “fair dealing” provision?

Fair dealing is a provision under copyright law that applies to educators. It allows for limited copies for instruction and examinations. This includes copying a work onto a board or projector. Also, for the purposes of an exam or test, instructors can reproduce, translate or perform a work when it is not commercially available in an appropriate medium. Fair dealing also allows the playing of a sound recording on the premises of the educational institution for educational purposes. The Canadian “fair dealing” copyright provision is much more stringent than the American “fair deal” copyright provision, and before an educator uses materials in the classroom they should familiarize themselves with the following chart, and ensure that their school has purchased necessary licences [Fair Dealing \(Canada\) vs. Fair Use \(U.S.A.\)](#).

What is Access Canada and what does it allow?

Access Canada is a tariff that schools pay. This tariff allows educators to legally copy what they need when they need it without having to personally obtain permission. Educators have immediate access, under the tariff, to photocopy, fax, type and word process, make slides, overheads and LCD projections, copy onto other mediums, scan and save, post scanned materials to a secure network, copy consumables and reproducibles, as well as copy portions of sheet music. The full extent of repertoire and supports are available at [Access Canada](#).

How are Creative Commons different from copyright?



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Creative Commons are an alternative to traditional copyright law. As a result of digital technologies and advancements our world has changed significantly. According to Benkler (2006), “how we make information, how we get it, how we speak to others, and how others speak to us are core components of the shape of freedom in any society” (p.7) ¹⁶. Creative Commons are an expression of that freedom and our world as shown to us through information accessibility. Creative Commons allows individuals and large companies to grant permission over their creative works. It also allows users to pool their creations into a growing digital commons that can be “copied, distributed, edited, remixed, and built upon, all within the boundaries of copyright law” ¹⁷.

It is critical that students not only learn to navigate and use Creative Commons, but also understand the philosophy behind it. The philosophy being that there should be a balance between an individual’s creative rights and the social good created by sharing in the public domain, giving back to the commons as Locke advocated in *Two Treatises of Government*. In “Justifying Intellectual Property” (2012) Merges warns “the formal mechanisms CC uses to open up works can equally well be used to close them off,” as individual proprietors need to be informed of the licencing options and what they create or restrict¹⁸. The following is a clear, student-friendly slideshow that outlines [Creative Commons](#) licences and is an excellent resource for educators.

Student Learning Activities



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Primary Recommendations:

- 1.) Create a copyright scavenger hunt. Students document all items they find marked with the copyright symbol and class creates a definition of intellectual property, guided and illustrated by the teacher. Students then draw a copyright symbol on something they have created and put it for public display (e-portfolios, Flickr photo, wall display, etc.)
- 2.) Using a template based on a social network profile page, students create self-portraits that can be gathered together to make a copyrighted class [scrapbook](#).
- 3.) Coordinating with the time of year, students can write the words and draw the pictures to create their own copyrighted greeting cards.

Intermediate Recommendations:

- 1.) Using a project planner, students could collaborate to create their own online [PSA](#) video about the importance of copyright and respect for intellectual property.
- 2.) Using [Flickr](#) students create their own picture story books with photos from a Creative Commons. Also, students add their own photographs and images and [cc](#) licence their images and final creations.

Secondary Recommendations:

- 1.) Students select an inquiry project topic, anything that sparks their curiosity, and follow the reference links associated with it on [Wikipedia](#) to evaluate sources. Students also explore information on their chosen inquiry topic through [Google Scholar](#) and [Encyclopedia of Life \(eOL\)](#). Students then edit a chosen [Wikipedia](#) page to make the information more accurate and complete after completing their inquiry.
- 2.) Collaboratively students should research and document the differences in the provision of copyright law between the Philippines, Australia, and Canada. The groups could debate the freedom of societies based on the freedom of access to information in the different countries. The following sites could be used: [Philippines](#), [Australia](#), and [Canada](#)
 An alternative unit for students grade 7-9 is available through [ReadThinkWrite](#) that prompts students through the history, evolving laws, and critical awareness
- 3.) After teaching the concept of parody, have students utilize either [Stroome](#) or [Audacity](#) to create and publish parodies of their own. [Stroome](#) allows for movie creation and manipulation, and [Audacity](#) allows for online music editing, collaboration and creation.

Recommended Sites and Resources

Glossary:

Copyright Alliance Glossary: Comprehensive glossary for educators (including such terms as ripping, P2P, etc.)

Curriculum, Lesson Plans and Resources:

Copyright Alliance Curriculum: Curriculum on copyright and intellectual property for K-12 with corresponding learning outcomes

Creative Presentations for Youth on Intellectual Property: Nina Paley: **The Copyright Song** , Stanford Law School, Centre for Internet and Society: **A Fair(y) Use Tale**, Student Created Copyright **PSA**, Photo Tampering **Throughout History**

Digital Citizenship and Creative Content Education: This site offers free *interactive* curriculum to teach the ethical use of digital files

Join the © Team: Resources for educators and parents that teach and promote creativity with hands-on activities and resources for K-5

Kathy Schrock's Guide to Everything: Kathy is a guru of all things educator, and her site is a cornucopia of professional support, tools and inspiration

Online Music: Relevant lesson, resources and critical activities (gr 9-12)

Slideshare: Excellent PowerPoints for instruction and education

Steve Anderson's Creative Commons and Copyright Livebinder: Includes the philosophy behind Creative Commons, curriculum, tools, slideshows, and exceptional music and image resources



Resources and Tools for Creation:

Center for Social Media: Wealth of sample audiovisual materials that “recut, reframe, recycle” in parody, (positive and negative) commentary, collage, example and discussion starters

Copyright Permission Template: Teacher and **Student** Letter Templates (credited to David Warlick). Upon clicking ‘send’ the letter of permission request and attribution is automatically sent to the author or web master of the work.

Creative Commons Search: Site that offers search networks for all forms of media (music, web, etc.) that are all available for modifying, adapting and building upon

Joyce Valenza’s Copyright Friendly Wiki: This wiki is a *treasure* of portals for all copyright-friendly materials, particularly images and sound for use in media projects (blogs, wikis, etc.)

Online Video Makers: FreeTech4Teachers.com (includes tools & guide), **Viddix** (connect Web content to video), **Stroome**, **Kaltura**, **YouTube Video Editor**, **Sanimation** (stop-action video creation)

Online Image Editors: Pixlr, **Aviary: Phoenix**, **Sumo Paint**, **FotoFlexer**, **Newspaper Clipping Generator**

Online Citation Makers: Son of Citation Machine, **EasyBib**, **BibMe**

Permission to Use Student Work Template: Modifiable template created by Kathy Shrock for the authorized use of student work for instruction, professional development, on-line publishing, etc.



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♥ “Creativity is contagious, pass it on” –Albert Einstein ♥

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