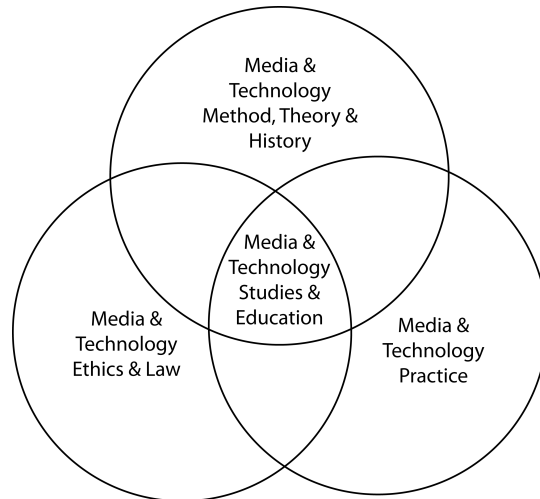




ETEC 531
(Curriculum issues in) Cultural & New Media Studies
EDCP 481
Media Studies (Across the Curriculum)

Lecture Notes
S. Petrina (9 July 2018)



Module 1: Media Semantics, Rhetoric and Epistemology.....2
 What is or Who are (the) Media? Media Studies.....2
 Module 2: Media & Technology Education / Media & Technological Literacy or Literacies..... 12
 Media Literacy..... 20
 Media Studies..... 29
 New Media..... 30
 Module 3: Media & Technology Production..... 33
 Module 4: Regulation of the Citizen and Media 38
 Free Speech and Freedom of the Press 38
 Free Inquiry & Freedom of Thought..... 38
 Regulatory Codes / Codes of Ethics..... 38
 Right to be Forgotten..... 38
 Module 5: Academic Freedom / Teaching..... 55
 Module 6: Copyright and Intellectual Property Rights 65
 Module 7: Media & Technology (Instructional & Research) Methods..... 69
 Module 8: Media & Technology Theory 73
 Module 9: History of Media & Technology 74

Module 6: Copyright and Intellectual Property Rights

12. Copyright & Intellectual Property Rights

- a. What is a Copyright?
 - i. Property
 1. Acquired by...
 2. East Ender example <https://www.straight.com/news/east-van-cross-symbol-has-been-around-decades-says-vancouver-artist-ken-lum>
 3. For Life + 50 years in Canada...
 - ii. Bundle of Rights

Copyright— A Bundle of Rights

1. Reproduction—right to create identical or near identical copies of the work.
2. Adaptation—right to create derivative works, such as abridgements, translations or versions in a range of media (book to movie to video to CD to on-line game)
3. Distribution—right to make the first sale of each authorized copy of the work.
4. Performance—right to present, recite, play, act or publicly perform the work.
5. Display—right to publicly show the work, by means of film, radio, TV, WWW or other device.
- Moral—right to the integrity of the work.

- iii. Ownership
 1. Work for Hire
 2. Academic Exception
- iv. Licensing Agencies, Consortia, and Schemes
 1. Access Copyright <http://www.accesscopyright.ca>
 2. Distribution Services
 - a. Audio Ciné Films <http://www.acf-film.com/en/index.php>
 - b. Criterion Pictures <http://www.criterionpic.com/>
 - c. CVS
<http://www.cvsmidwesttape.ca/home;jsessionid=3823B3AE61A168E470CF7964C5ABAC02>
 3. Creative Commons <http://creativecommons.org/>
 - a. Licenses <http://creativecommons.org/licenses/>
 - b. E.g., Attribution-Noncommercial-Share Alike



4. Public Domain
- b. Copyright Law
 - i. Global
 1. Berne
http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html#P151_28262

2. WIPO Copyright Treaty (WCT) and WIPO Performers and Phonograms Treaty (WPPT)
<http://cnx.org/content/m22656/latest/?collection=coll10698/latest>
3. SOCAN <http://www.socan.ca/>
- ii. Copyright Act of Canada <http://laws-lois.justice.gc.ca/eng/acts/C-42/page-15.html#h-26>
- iii. CIPO <http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/Home#6>
- iv. Copyright Law of US <http://www.copyright.gov/title17/92chap1.html#110>
- c. Public Performance or Display Rights
 - i. Classroom Setting
 1. Exemptions
 - a. Copyright Law of US
 - b. Display Rights clause
<http://www.copyright.gov/title17/92chap1.html#110>
 - c. Copyright Act of Canada
 - i. No clause for display rights
 - ii. Protecting yourself in Media Studies
 1. Purchase original copy of film (or proof of license, public domain, etc.)
 2. Uphold Moral or Integrity Rights
 3. Display in Classroom Setting (not auditorium, etc.)
 4. Focus on Fair dealing
 5. Select Scenes (as opposed to display of entire film or video)
 6. Trust in professionalism
 - ii. Library
 - d. *Copyright Act* of Canada
 - i. Fair Dealing [Academic Freedom & Intellectual Freedom]
 1. Section 29: Fair dealing for the purpose of research, private study, education, parody or satire does not infringe copyright.
 2. Fair dealing for the purpose of criticism or review does not infringe copyright if the following are mentioned:
 - a. (a) the source; and
 - b. (b) if given in the source, the name of the
 - i. (i) author, in the case of a work,
 - ii. (ii) performer, in the case of a performer's
 - iii. performance,
 - iv. (iii) maker, in the case of a sound recording, or
 - v. (iv) broadcaster, in the case of a communication signal.
 3. According to the *Copyright Act*, fair dealing means that using

work for purposes of private study or research, or for criticism, review or news reporting is not infringement. However, in the case of criticism, review, or news reporting, the user is required to give the source and the author's, performer's, sound recording maker's or broadcaster's name, if known. The

line between fair dealing and infringement is a thin one. There are no guidelines that define the number of words or passages that can be used without permission from the author. Only the courts can rule whether fair dealing or infringement is involved (*Canada Copyright Act, Legislative Summary*, 2012, p. 3).

4. CLA & Coalition for Fair Dealing
 - a. <http://www.cla.ca>
 - b. BCLA
- ii. Educational Exception
 1. Section 29.4: Educational Institutions [Exception]
 - i. Reproduction for instruction
 1. 29.4 (1) It is not an infringement of copyright for an educational institution or a person acting under its authority for the purposes of education or training on its premises to reproduce a work, or do any other necessary act, in order to display it.
 - ii. If work commercially available
 1. (3) Except in the case of manual reproduction, the exemption from copyright infringement provided by subsections (1) and (2) does not apply if the work or other subject-matter is commercially available, within the meaning of paragraph (a) of the definition commercially available in section 2, in a medium that is appropriate for the purposes referred to in those subsections.
 - iii. Definitions
 1. commercially available means, in relation to a work or other subject-matter,
 2. (a) available on the Canadian market within a reasonable time and for a reasonable price and may be located with reasonable effort, or
 3. (b) for which a licence to reproduce, perform in public or communicate to the public by telecommunication is available from a collective society within a reasonable time and for a reasonable price and may be located with reasonable effort; (*accessible sur le marché*)
 2. Section 29.5: Performances [Educational Institutions exception]
 - a. It is not an infringement of copyright for an educational institution or a person acting under its authority to do the following acts if they are done on the premises of an educational institution for educational or training purposes and not for profit, before an audience consisting primarily of students of the educational institution, instructors acting under the authority of the educational institution or any person who is

directly responsible for setting a curriculum for the educational institution:

- i. (a) the live performance in public, primarily by students of the educational institution, of a work;
 - ii. (b) the performance in public of a sound recording, or of a work or performer's performance that is embodied in a sound recording, as long as the sound recording is not an infringing copy or the person responsible for the performance has no reasonable grounds to believe that it is an infringing copy;
 - iii. (c) the performance in public of a work or other subject-matter at the time of its communication to the public by telecommunication; and
 - iv. (d) the performance in public of a cinematographic work, as long as the work is not an infringing copy or the person responsible for the performance has no reasonable grounds to believe that it is an infringing copy.
- iii. Challenges to the Educational Institutions exception
1. The first question: Is the Educational Institutions exception subject to Fair Dealing or a subset (section 29.4) of the Fair Dealing section (section 29)?
 - a. Example of responses to 2012 amendment:
 - i. Alan Cumyn, novelist, Chair, The Writers' Union of Canada: Copyright legislation is supposed to protect the rights of creators. But C-32 does just the opposite. Most alarming, the proposed new "education" exception under "fair dealing" promises endless costly litigation. What's 'fair' about a cost saving for schools that eats into the incomes of writers?
 2. One challenge is balancing creators' rights (copyright holders' bundle of rights and will to license) with users' rights (or will to unbundle).
 3. Another challenge is coming to terms with copyleft.
 4. U of T (2013, p. 5): Consequently, even though "education" as an allowable purpose **has yet to be interpreted by the courts**, it seems safe to assume that the majority of activities involving copyright-protected material in which faculty, students, and staff engage in the course of their day-to-day teaching and learning will normally qualify as either research, private study, or education.
<https://onesearch.library.utoronto.ca/sites/default/files/copyright/Copyright%20FAQ.pdf>
 5. Access Copyright v York U
<https://www.canlii.org/en/ca/fct/doc/2017/2017fc669/2017fc669.html>
 6. The most serious challenges are currently proceeding through the courts as public schools and ministries of education have filed for a return of fees paid to Access Copyright.

- a. See
<http://www.accesscopyright.ca/media/announcements/update-on-k-12-legal-action/>
- b. <https://publishingperspectives.com/2018/02/canada-access-copyright-sued-by-education-sector/>
- c. <https://thetyee.ca/News/2018/03/16/BC-Writers-Dismayed-Government-Action-Return-Fees/>
- d.
- iv. Copyright Reform
 1. Bill C-61
 2. Bill C-32 (C-11, etc.)
 - a. Balanced Copyright <http://www.ic.gc.ca/eic/site/crp-prda.nsf/eng/home>
 - b. Fix Fair Dealing
 - c. BCTF Position
- e. Acceptable Use Policies
 - i. Policy
 - ii. Examples
 1. Ontario College of Teachers Professional Advisory on *Use of Electronic Communication and Social Media*
<http://www.oct.ca/resources/advisories/use-of-electronic-communication-and-social-media>
- f. Copyright Primers
 - i. CMEC
<http://www.cmec.ca/Publications/Lists/Publications/Attachments/12/copyright-matters.pdf>
 - ii. ETEC 531 Copyright Primer (tba)
- g. Copyright Cases
 - i. Censorship & Protection
 1. BC Library Association
 - a. History of Censorship in BC
<http://www.bcla.bc.ca/ifc/Censorship%20BC/intro.html>
 - b.
 - ii. (Illegal Art cases) <http://www.illegal-art.org/print/index.html>
 - iii. Mickey Mouse (Wally Wood case)
 - iv. Copyright Criminals
- h. Challenges to Copyright
 - i. Creative Commons
 - ii. CopyLeft
 - iii. Public Domain
 - iv. Open Source
 - v. Users' Rights
- i.