

## “Is It a Fair Use? - A Hands-On Discussion” workshop - Description and Lesson Plan

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### Developed by

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### **This workshop and its materials are shared with a license for reuse with attribution:**

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### **Workshop materials:**

VTechWorks Institutional Repository archived copy: <http://hdl.handle.net/10919/70970>

Google Drive folder: <http://tinyurl.com/IsItAFairUse-Wrkshp-2016>

**Credit:** Some content and materials in this workshop were reused with modifications from the Coursera hosted MOOC course (self-paced version available), *Copyright for Educators & Librarians*, taught by Kevin Smith, M.L.S., J.D., Lisa A. Macklin, J.D., M.L.S., Anne Gilliland, JD, MLS:

<https://www.coursera.org/learn/copyright-for-education>, [CC-BY-SA 4.0 license](#):

- A Framework for Analyzing any Copyright Problem:  
<https://d396qusza40orc.cloudfront.net/cfel/Reading%20Docs/A%20Framework%20for%20Analyzing%20any%20Copyright%20Problem.pdf>
- Copyright for Educators and Librarians Framework Analysis Scenario:  
<https://d396qusza40orc.cloudfront.net/cfel/Reading%20Docs/MOOCFinal.pdf>

### **Timeframe: 90 Minutes**

(60 minutes is possible but will not allow as much time for discussion, questions, or hands-on activities)

**Audience:** This workshop was created primarily for faculty, instructors, and researchers in a higher education environment. In February 2016, we also added group activity case study examples for library employees. \*This workshop was developed with United States copyright law in mind.

**Format:** In-Person and/or Online

### **Learning Objectives:**

After this workshop, participants will:

- Be familiar with U.S. Copyrights
- Be able to identify when and how to evaluate a use as a ‘Fair Use’
- Have experience using tools and resources for applying a Fair Use analysis

### **Workshop Activities:**

- U.S. Copyright overview
- 6-step evaluation process for analyzing copyright questions
- Group activity: case study analysis
- Discussion

## Lesson Plan

**\*Note:** This workshop expects the availability of a room with presentation equipment (laptop, projector, screens), and at least 2 laptops for use by participants - 1 for each group during the group activity.

[5 min] Log in / Set up

[10 min - if more than 10 participants, increase allotted time for this portion]

- Presenter and Participant self-introductions
  - Name, department, title / area of focus
  - What is your interest in Fair Use?

[60 min] - [Content Presentation](#), interspersed with discussion, a whole-class example demonstration to analyze a case study, and a group activity to analyze a case study

- [Key materials for this portion are available in the workshop materials](#): (1) This Description and Lesson Plan document, (2) Presentation Slides, (3) Example Cases For Presentation, (4) Group Activity Case Studies, (5) Resources and Handouts
- In particular, it will be useful to provide participants with the 'Framework for Analyzing any Copyright Problem' Handout at the beginning of the presentation.
- **A Note on Context:** If using this presentation for discussions of copyright other than in a United States copyright law context, please adjust the content and resources to fit your situation.

Presentation Outline [26 slides altogether]:

- Introductions, Session Goals, and summary of Session Activities [**slides 1-3**]
- U.S. Copyright overview [**slides 4-6**]
- 5-step evaluation process - Framework for Analyzing Any [U.S.] Copyright Problem
  - Step 1 - Is the work protected by copyright? [**slides 7-9**]
  - Step 2 - Is there a specific exemption in copyright law that covers my use? [**slides 10-11**]
  - Step 3 - Is there a license that covers my use? [**slides 12-14**]
  - Step 4 - Is my use covered by Fair Use? [**slides 15-21**] - **Note:** If you are using this in Canada or other countries, 'Fair Dealing' or similar provisions may be useful to discuss
    - **Highlights:** (1) Any Fair Use analysis must consider all 4 factors, (2) It's important to document (and keep a record of) your fair use analysis for future reference
    - 4 factors of Fair Use analysis and **Fair Use Evaluator Tool** [**slides 16-17**]
    - Discuss and analyze one or two case study examples all together [**slides 18-21**]
    - **Group activity:** Divide class into two groups, handout case study examples (or have the groups open the case studies on the laptops), groups discuss and analyze their cases, and make notes for later discussion with everyone
    - **Discussion:** everyone comes back together to discuss both case studies
    - **Recap:** (1) Any Fair Use analysis must consider all 4 factors, (2) It's important to document (and keep a record of) your fair use analysis for future reference, (3) Not a Fair Use? Discuss changes that could make a use more 'fair'
  - Step 5 - Do I need permission from the copyright owner for my use? [**slides 22-23**]

- Step 6 - Can I identify alternative content or create my own content? [**slides 24-25**]

[10 min] - Questions, additional discussion

- Resources [**slide 26**]

[5 min] Wrap-Up - How to get to workshop materials and handouts, how to stay in touch with participants/facilitators