



# To Copy or Not to Copy

## *A Summary of Ethical Issues and Technology*

*To copy or not to copy, that is the question: Whether it is better to obtain software, music or iPad apps by relatively easy means and justify or rationalize the action, or whether it is better to aspire to a standard that many others ridicule.*

*When we first wrote this chapter, it was totally a coincidence that we made it Chapter 11. Someone back in 1991 pointed out to us what an appropriate chapter number it was. We only we had been that clever!*

## Arguments in Favor of Pirating Software

Here are the standard arguments used by many children and adults in favor of copying, in a format that David Letterman could use on television.

- #10 ... I never knew there was anything wrong with it.
- #9 ... The salesman told me it was fine to do.
- #8 ... It does not really hurt anyone.
- #7 ... Most people that I know do it.
- #6 ... It is virtually impossible to get caught.
- #5 ... Software is generally too expensive.
- #4 ... I wasn't planning to actually use the software. I just wanted to have a copy so I could check it out and occasionally play with it.
- #3 ... Access to information tools should not be restricted this way. As people realize this, the law will change to reflect the technology.
- #2 ... I thought it was okay to buy one package and burn multiple copies for all our machines. How can they expect me to buy so many copies?
- #1 ... Copying software is no different than photostatting pages from books, copying sheet music or copying records, cassettes or video tapes.

From a teacher:

How can they expect us not to copy CDs? It's just like records, cassettes and videotaping. Look here — the Supreme Court finally ruled that it's legal to copy television shows. People have been doing that for years. They can't stop it — it's the nature of the medium. Okay, so maybe copying software is illegal, but everyone is doing it, you can't stop it — it's just the electronic nature of the medium. In a few years, they'll rule that copying software is legal and we'll all find out that what we've been doing for years is okay.

A teacher wrote a letter to the editor to A+/InCider Magazine (June 1986) with a compelling title: Software Copying as Civil Disobedience, sadly, A+ Magazine is long gone and while more than twenty five years have elapsed, many would still use the same arguments:

Americans have always gone around or ignored repressive, restrictive, old unenforceable laws and regulations. Civil disobedience, to borrow a latter-day buzzword, seems to be the norm rather than the exception in the culture of our country. I won't belabor the point, but look at the underwhelming success of Prohibition and the 55 MPH speed limit. As George Bernard Shaw pointed out through the words of Alfred Doolittle, the poor can't afford morals. Unfortunately, all too many school systems and teachers are literally poor. Response from Editor: [Any] reference to students with one book per course is ill-chosen. A textbook might cost \$20 to \$25 (as opposed to \$39.95 to \$49 for a piece of commercial software), but it will last a whole semester or a whole year in contrast to a piece of software that might be useful for just one week. Sorry. I'm afraid that as long as teachers are interested in teaching the kids in their charge, regardless of the lousy pay and tight budgets, piracy of educational software will remain alive and well.

A high school student posted this notice on the computer room door:

Do not let the school tell you what to do. Copy all you want. The school's place should not be to make moral decisions for you. Decide on your own if you find duplicating a disk for personal use unethical. The copying of software is unlike shoplifting, since shoplifting involves the loss of property on the store's part. Copying involves loss of potential profit, a profit which often would not have been made. It may remove this possible money from the state, but uncaught speeding takes money from the state, as does unpaid parking meters. Thus you must place its moral value in your own life and decide how bad it is. Note that the school distributes photocopies in class, does not stop the public performance of illegally recorded music in assemblies or used in student films. And should not.

## Now Let's Review the Facts

Fact #1: Copying or illegally downloading software, music, or iPad apps without authorization violates the U.S. Copyright law. It is a federal offense. Civil damages for unauthorized software copying can be as much as \$50,000 and criminal penalties include fines and imprisonment.

Fact #2: Most software companies struggle financially. Over half the companies in the last 10 years have gone out of business. Producing software is often a labor of love, particularly for educational software. Many musicians rely on record sales for revenue, and iPad app developers are frequently small, startup and cash-strapped companies.

Fact #3: The copyright laws of this country have evolved over the last two hundred years; they are part of our American heritage and do not exist in all countries today. As with many American privileges, we should be careful about what we take for granted. Here are the basic history facts:

On May 31, 1790, Congress used the power given it in Article 8-2 of the Constitution to promote the Progress of Science and useful Arts. This act provided for 14 years of protection. In 1909, the term was extended to 28 years plus a possible renewal of 28 more years. In 1976, the term was extended to its current length, the life of the author plus 50 years. In 1998, the Copyright Term Extension Act added 20 more years so that it is now the life of the author plus 70 years.

Fact #4: The widespread downloading of music and videos has not been so innocent. Limelight, Bit torrent sites, and other websites have raised a number of ethical issues. A recent study revealed that almost 90% of teenagers admit to illegally downloading music.

Fact #5: Many software companies offer site licenses and multiple disk lab packs as attractive alternative for schools: Inspiration. iPads apps are either extremely inexpensive and/or offered through volume purchasing. These apps are also frequently discounted or offered for free.

Fact #6: It is not so complicated to explain the proper use for recording and showing television shows for educational purposes.

They may be shown to students during the first 10 consecutive school days after the date of recording and may be retained for up to 45 days for teacher evaluation only; beyond these two guidelines, all educational use of television recording is improper. (Source: The Copyright Primer, page 41, American Library Association, 50 East Huron St., Chicago IL 60611)

Fact #7: It is not so complicated to explain the proper use for photostatting printed material for educational purposes. Single copies of a chapter from a book, an article from a periodical or newspaper, or a chart, diagram or cartoon may be made by a teacher for use in teaching or for preparation. Multiplies copies of an article can be made only if these four conditions are satisfied:

- **Brevity:** poems must be less than 250 words, articles must be less than 2500 words, excerpts of books must not exceed 10% of the work, but no copying of consumables such as workbooks, exercises, standardized test, test booklets is allowed.
- **Spontaneity:** the copying and moment of desired classroom teacher use are so close that it would be unreasonable to expect a timely reply for permission.
- **Cumulative effect:** the sum total from one author should not exceed one article or two excerpts, no more than 9 instances for one course during one class term, no copying of consumables such as workbooks, exercises, standardized test, test booklets.

- **Repetition:** no copying shall be repeated with respect to the same item by the same teacher from term to term.

These rules are not so complicated after all.

Fact #8: Information is available! Many online sites exist.

Fact #9 It is not so hard to create a school policy. The ISTE Software Copyright Committee suggests the following guidelines:

- The ethical and practical implications of software piracy will be taught to educators and school children in all schools.
- Faculty and school employees will be informed that they are expected to adhere to the 1976 Copyright Act governing the use of software.
- When permission is obtained to use software on a hard drive, network or site license, efforts will be made to secure this software from copying.
- Under no circumstance shall illegal copies of copyright software be made or used on school equipment.
- The [head of each school] is responsible for establishing practices which will enforce this copyright policy.

## Outside of a Small Circle of Friends

Thank goodness that some people have chosen to take a stand and voice their opinions, even if they are in the minority. Phil Ochs wrote a song called Outside of a Small Circle of Friends. When it comes to the software piracy issue, that is the way it has seemed. Fortunately, if you read enough and talk to enough people, you can find some people who agree with you. The Bob Dylan song called Obviously 5 Believers (which interestingly uses the same music as Norwegian Wood) suggests the need for a critical mass of faculty at each school who believe in technology honesty! With at least 5 believers, it is generally reasonable to raise the obvious issue!

### From a former headmaster:

I would say that our approach to the copying of software — illegal copying of software — is perhaps the best ethical thing that we do. Clearly, the use of the Xerox machine is one of the worst things that we do.

### From a music teacher at Bloomingdale School of Music in NYC:

No, I never photostat sheet music or copy cassette tapes, but I know lots of music teachers that do. I've always felt that copying sheet music or tapes was in some symbolic way undermining the sense of intellectual achievement of the artist. That's the same as copying software. To copy a cassette tape or music CD so that someone else can use it is the same as stealing software.

### From the headmaster of a New England independent school:

The argument against software pirating makes considerable sense. One of the striking polls that we did recently with our faculty involved asking ourselves which personal characteristics in our student we most wanted to foster and which

of those desirable characteristics were prevalent in our students. Moral sensibility was rated quite highly by our faculty as a desirable personal characteristic. However our students were notably lacking in that quality, by our own estimating either before or during their high school experience here. I am convinced that a school without a moral center of some perceptive sort is simply not a school community. If our schools want to be viable institutions within American society, they must lay claim to some moral code and some moral center, even given — and because of — the vacuum of moral relativity that passes for a moral climate in American society these days. On an issue such as computer pirating, we simply have no choice other than active discouragement of that practice and absolute refusal to engage in it as teachers and administrators. The same should go for copying of other copyrighted material, as painful as that may be! It may take some terribly creative thinking from the adults in our schools to abide by the laws and to give our students thought-provoking materials, but I am convinced that we should get to that.

From a New York Times article about Joe Clark, “Lean on Me” principal

The helping professions seem stuck in an era when the challenge was to free people from overstrict consciences, while today’s task is to provide children with coherent environments and limits, with adults firmly at the helm. Many children are not given the wherewithal to develop a mature personality, let alone a conscience... Those who find Mr. Clark overly strict should know that the consensus among experts is that serious disturbances in growth and development occur when children are deprived of discipline and the assurance that their behavior has consequences.

From a software publisher, in response to a reader:

Sorry, piracy doesn’t imply theft. It IS theft. There are no two ways about it. When you take something that doesn’t belong to you, it’s got a simple one-word definition: stealing. IF that’s the definition of a pirate, then yes, you’re a thief. And if you steal because you can’t afford the software, then you had no business buying a computer in the first place.

From a sign on a Kindergarten wall at Shady Hill School:

Respect yourself ... Respect others ... Respect your environment.

Do you think the Shady Hill teacher was commenting on the copying issue or had something else in mind?
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## And now it's your turn...

As with many issues, we listen and reflect but ultimately decide for ourselves. Legally, copying is stealing; practically, copying is foolproof. No one is going to catch you and legal fees make prosecution prohibitive. As Bob Dylan once said, "To live outside the law you must be honest." And now you've got the rest of your life to see what you think and how you wish to respond to this issue. We urge you to keep several things in mind.

### **Consideration #1: Freedom of Choice**

You are allowed to change your mind. Whatever your current actions regarding the improper copying of paper, music, video, software and apps, it is comforting to know that we can put the past behind us and start fresh. At one school, where over 200 students and teachers had bootleg copies of MS Office, the computer coordinator stood up the next year and announced to the school that "we've screwed up and need to start clean." All illegal copies were removed from the hard drives, discussions ensued, but everyone felt quite positive about the new policy and educational value for the community.

### **Consideration #2: Intellectual Property**

Given the reality that part of what we are trying to do in schools has to do with respect for intellectual, artistic and aesthetic endeavors, it seems incumbent on us as educators to take a stand on this issue. As Mitch Kapor, founder of Lotus Corporation, has said, "Copying software is the theft of intellectual property." To argue that physical property is to be respected more than intellectual property smacks of incredible materialism. To argue for convenience and to plead financial need smacks of the very same expediency that we deplore in politicians and stock brokers.

### **Consideration #3: It Won't Go Away**

The copying and downloading issue is not going to go away. As technology advances, we will have more and more ways to violate copyright law. Once upon a time, it was only paper. Now we have music and videos that can be downloaded with little effort, images that can be used without concern for copyright violations, and television shows that can be watched even without network consent. Ultimately we must all deal with the copying issue in the same way that we deal with issues of lying and cheating. Those two problems have always been around, and we haven't solved them as a society. The only comfort is that some parents take pride in addressing these issues within their family and some schools take similar pride within their academic community.

### **Consideration #4: Role Models**

It has been said that three forces used to be responsible for the moral development of children in our society: religion, family and school. Well, increasingly, our family structures have changed and religion has dwindled in importance for many people. Doesn't this suggest that teachers need to be positive role models for children even more now than ever?

# Thou Shalt not Dupe

## Either Way It's Wrong

People who would never walk into a store and shoplift a software product think nothing of making several copies of the same software. The results are the same. The act is just as wrong.

When it comes to unauthorized duplication of software, many people do not realize the costly impact on the software developer and the customer community. The relationship between customer and developer in a software transaction is one of mutual trust. The customer trusts that the developer has produced a product that will deliver the desired result, performs according to specifications, and is properly documented and supported. The developer trusts that the customer will make use of only those copies for which he has purchased a license, even though making additional, unauthorized copies is relatively easy. Unauthorized duplication and use of software violates the U.S. Copyright Law, and unfairly deprives software developers of revenue they are entitled to receive for their work.

Software developers find that thousands of illegal copies have been made by customers who either innocently believe they are doing nothing wrong or simply choose to ignore the law.

## The Law is Clear

Reproducing computer software without authorization violates the U.S. Copyright Law. It is a Federal offense. The money paid for a software product represents a license fee for the use of one copy. It does not represent an authorization to copy. Civil damages for unauthorized software copying can be as much as \$50,000 or more and criminal penalties include fines and imprisonment. Bills have been introduced in Congress to strengthen the law and increase penalties.

## Myths and Facts of Software

Let's start by dispelling some myths with a few facts.

First, software developers do not condone unauthorized copying in order to gain market penetration.

Second, the price of software does not make unauthorized copying justifiable. The cost of a software product to a consumer represents only a small fraction of the publisher's development and marketing costs.

Third, although the cost of softlifting is borne initially by the software developer, it is paid for ultimately by legitimate users.



## What It Means to You

It's obvious that legitimate software users are paying for their software along with software developers.

It's obvious, too, that no one is going to put up with it for long.

Think twice before you ask someone to give you an illegal copy of their software. Think three times before you offer to do it for someone else. Softlifting or software piracy is not only a crime; it's simply wrong.

## Where to Get More Information

ADAPSO represents more than 750 corporate members that provide a wide spectrum of computer services and software including: micro, mini and mainframe software products; professional software services; batch and remote processing services; integrated hardware/software systems; education and training; and consulting.

For further information or questions on software protection, contact ADAPSO at Suite 300, 1300 North 17th Street, Arlington, VA 22209; or phone (703) 522-5055.

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# The No Copying -*Gotta be Honest at Nobles Blues*

A Short Presentation/Performance

**I've got the no copying software—gotta be honest at Nobles—blues  
I've got the no copying software—gotta be honest at Nobles—blues  
All I've got is my own good word to lose**

.....  
I've got the trying to bring Nobles  
kicking and screaming, into the 90s blues  
So don't let us down  
You can be honest if you choose

.....  
In the middle ages, says Dr. B  
Plagiarism was the place to be  
But the times they are a changin says Bobby D  
And we're moving into a new century

.....  
I should have taught at that other school  
Where copying disks is considered cool  
But, Bakes, he told me to take a risk  
So I'm giving my word, I won't copy that disk

A sign just went up on the Wittenberg Door (Steve Bergen: there's your note on the door, Reggie)

It says I'm tired of hearing about this copying thing no more  
So let's move on to other WORDS we don't like  
I've got the derogatory blues when I hear them faggot & dyke  
FINAL CHORUS

I've got the no derogatory—gotta be decent at Nobles—blues  
I've got the no derogatory—gotta be decent at Nobles—blues  
All we've got is our own respect to lose

**SIGNATURES WANTED:** Honesty is clearly a personal thing, even if one of our community principles states that "Honesty is an essential value at Nobles; any form of dishonesty is unacceptable." If you are willing to support us in our quest to be a community where we strive to be 100% honest in our ever-increasing use of computers here, we would love to have your signature on **The 1994 Wittenberg Door** outside of the computer lab. But if not, we appreciate your honesty in NOT signing. Feel free to post your own opinion in this doorway, since there are many perspectives that one can take on this issue.



## Musical Arrangement for the No Copying Software Blues

This arrangement for piano of the No Copying Software Blues by Ben Schwendener © 1997, cheese-us publishing. Ben's first CD — Witness of the Sun — does not contain this song. Maybe his second CD will!

A musical score for piano, consisting of five staves. The score is written in a key signature of one flat (B-flat) and a 4/4 time signature. The music is a blues-influenced piece. On the left side of the score, there are four vertical labels: 'SHOWS', 'HIDE', 'BEHIND', and 'CREDITS'. The score includes various musical notations such as chords, notes, rests, and dynamics.

G C G G  
I've got the no copying software—gotta be honest at Nobles—blues  
C C G G  
I've got the no copying software—gotta be honest at Nobles—blues  
D C G D7  
All I've got is my own good word to lose

## The Nefarious Nelly video on Copywrongs

Three teachers (Lisa Bianco, Betty Gootson and Mark Runge) created a wonderful three minute video as part of the Summercore 2011 Carnival conducted at Shorecrest Preparatory School in St. Petersburg FL the week of July 25-29. You can see the YouTube video by going to the [tinyurl.com/copywrongs33](http://tinyurl.com/copywrongs33).



## Plagiarism and the Web

First of all, teachers need to be aware of the ease with which students can plagiarize essays, lab reports, and even college admission essays. Following is a sampling of websites linked on that will provide students with papers.

1. [www.allpapers.com](http://www.allpapers.com) justifies its practices by claiming “Our philosophy is simple: It is only by reading a letter-perfect, properly-formatted report that students will be able to successfully create their own paper in accordance with all of their professor’s requirements. By purchasing an example term paper from The Paper Store, students can view a paper written *to help them* -- one that uses up-to-date current sources, proper citations, and that properly builds upon a thesis.” In other words, this altruistic site provides “models only.”

2. [www.antistudy.com](http://www.antistudy.com) is not necessarily a plagiarism site; it provides links to study guide notes available on the web for many, many novels.

3. [www.4freeessays.com](http://www.4freeessays.com) provides free essays on a wide variety of subjects.

4. [www.turnitin.com](http://www.turnitin.com) is a website created by UC Berkeley profs; this website for a fee will analyze student essays to see if they have been stolen from a website. Teachers can upload papers or require their students to do so. From their website: "Any institution which doesn't address academic integrity in a serious manner gives the message that it's okay. And every time students cheat, they not only devalue themselves but also the entire educational system...." -Doug Zuidema Director, Office of Student Conduct, U.C. Berkeley. Cheating at U.C. Berkeley had increased by 744% from 1993-1997. See also <http://plagiarisma.net/>

Students can be led to these unsavory sites quite by accident. Most search engines will provide a free essay site or a for-fee essay site as one of the hits returned. I searched for sites on Shakespeare’s Twelfth Night. To my chagrin, one of the links led me to a site that advertised Term Papers on Shakespeare for \$8.95 per page. So, in fact, a student researching an absolutely appropriate manner could be led by the nose, so to speak, to an illegal site.

Here are some thoughts about keeping students on the straight and narrow. All strategies, sadly, require more teacher time:

1. The more specific the assignment, the harder it is to cheat; most of the topics on these sites are general and broad, i.e. The Romantic vision of F Scott Fitzgerald--or they are the most common kinds of topics, i.e., The American Dream, The Green Light, etc. If a teacher assigns very specific topics or questions to answer, then it is less likely that students will find easy access to essays.
2. Compare and Contrast papers are slightly harder to duplicate on the web.
3. Papers that address specific themes raised in the class are harder to duplicate.
4. Requiring personal response in some way -even in literary criticism- might help.
5. Check Progress: if English teachers require steps along the way to process writing, then students will find it more difficult to plagiarize. Teachers have to routinely check-and make time for-thesis statements, outlines, first and second drafts. Nothing is foolproof, however, since students can still buy an essay and then work backwards to hand in the thesis, outline, etc. Check the revision history in Google Apps.

6. There are sites that go over the difference between direct and indirect quotes, concepts that students do not always understand; websites detail the ins and outs of plagiarism. See the Purdue University Online Writing Lab at owl.english.purdue.edu
7. Post student's papers on the your Moodle or any other Course Management system; when the whole world is watching, students might be less apt to cheat.
8. Think outside the box: Consider alternatives to traditional essay writing--multimedia presentations, podcasts, iMovies, group projects. Webquests require unique responses to the task proposed or the issues raised.

### **Getting up to speed**

9. Teachers need to become familiar with the tech specifics of how obtaining illegal papers.
10. Every English and History teacher should obtain an essay to share with colleagues.
11. Teachers should appropriate the web by visiting school websites to see the papers published online and using the best of these essays as examples.
12. Google Docs, with its Research Tool, might well aid avoiding insufficient citing of sources and non-deliberate plagiarism. Revision History helps a teacher monitor a student's progress.

### **Suggestions and Ideas**

13. Produce a Moodle page or Google Site that outlines the concepts of plagiarism and honesty.
14. A combined mini-class by a computer teacher and history/english teacher can be very effective to highlight the tech and intellectual aspects.
15. The more PR the better; publish a parent newsletter, student guide, and handout sheet. Offer faculty workshops.
16. Use the Upload Assignment Activity in Moodle or the Revision History in Google Docs.
17. Appropriate these sites by using downloaded essays as models of how or how not to write essays.
18. Use search engines as your ally; type in unique and suspect phrases into any search engine to see if it can find a plagiarized source.
19. Alert parents.
20. Consider turnitin.com as an approach to process writing.
21. One teacher can experiment with plagiarism software.
22. Create or use a Plagiarism webquest to make the issue clear.
23. Constantly review the difference between paraphrasing and plagiarizing.

## Fair Use and the Web

The following text is taken from the Learning Page of the Library of Congress (<http://lcweb2.loc.gov/ammem/ndlpedu/resources/cpyrt/index.html>):

*Fair use* is an exception to the exclusive protection of copyright under American law. It permits certain limited uses without permission from the author or owner. Depending on the circumstances, copying may be considered "fair" for the purpose of criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research.

To determine whether a specific use under one of these categories is "fair," courts are required to consider the following factors:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole (is it long or short in length, that is, are you copying the entire work, as you might with an image, or just part as you might with a long novel); and
4. the effect of the use upon the potential market for or value of the copyrighted work.

Keep in mind that even in an educational setting, it is not fair use to copy for a "commercial motive" or to copy "systematically," that is, "where the aim is to substitute for subscription or purchase." No factor by itself will determine whether a particular use is "fair." All four factors must be weighed together in light of the circumstances.

### Issues of Copyright Violations

1. Can I copy a list of links from a Web page and post them on my own page?

If there is creative thought behind building the link list, then it may be dishonest to reproduce that list. For instance, the listing of Curriculum Links on the Summercore page along with the synopsis of each link took untold hours to compile; consequently, copying this listing is a violation. So if you see a terrific List of web resources, and you copy the entire list to your website, then you probably have committed a copyright violation. However, if you want to take only a few links from a list or if the list is a straightforward alphabetical list, then you are probably OK.

2. Can I copy material from a Web page and use it without getting permission?

While you are free to copy public domain material that you find on the Net, generally you should not copy copyrighted material without getting permission from the copyright owner whether you find the material on the Net or in a more traditional medium (book, music CD, CD-ROM).

3. What is acceptable use of the HTML code of a website?

There is no easy answer here. Some web authors state that you can copy freely from their sites and others offer no such disclaimers. When in doubt, e-mail the webmaster. Some would argue that since HTML code is intellectual property, then copying the code is a copyright violation as is copying the look and feel of another website design.

4. What about using a graphic from another website?

Graphics such as bullets, logos, photographs, or other images should not be placed on your own page unless the original owner of those images has declared them available for such use. Photographs taken by professional photographers are usually copyrighted so copying those images onto a Web page can be unlawful at worst, and unethical at best.

5. What are the fair use guidelines for music in multimedia projects

According to the guidelines prepared by the Congressional committee of Educational Multimedia Fair Use Guidelines Development Committee, “Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies, or audio or audiovisual works, may be reproduced or otherwise incorporated as a part of a multimedia project created under Section 2. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.”

6. What are the fair use guidelines for incorporating text from a Web page into multimedia projects?

According to the guidelines prepared by the Congressional committee of Educational Multimedia Fair Use Guidelines Development Committee, “Up to 10% or 1000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of a multimedia project created under Section 2 of these guidelines. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used but no more than 3 excerpts by a poet, or five excerpts by different poets from a single anthology may be used.”

7. What are the fair use guidelines for incorporating video from a Web page or another source into multimedia projects?

According to the guidelines prepared by the Congressional committee of Educational Multimedia Fair Use Guidelines Development Committee, “Up to 10% or 3 minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of a multimedia project.”

8. How long can teachers use multimedia sources in educational material?

Two years- after that you have to ask permission.

9. What about posting student work on an intranet vs. the internet?

Taking things off the Web and using them in projects is OK if the fair use guidelines are being followed, but posting them back online is not. Posting on an Intranet, however, is permissible since this use remains inside the classroom community.

## Illegal Music Downloading

MP3, short for "MPEG Audio Layer 3," identifies a way to store digital audio files. MP3 files provide CD-quality sound in a file format that requires roughly 1 megabyte for every minute of sound. (CDs and AIF files require about 11MB per minute.) To create an MP3 file, an MP3 encoder reads a AIF file and then strips out the parts that won't easily be detected, i.e. higher wavelength frequencies. Accordingly, a single song or track, which usually takes up between 3 to 5 megabytes, can be downloaded in MP3 format from a website fairly quickly and easily.

### **What are P2P sites?**

Many P2P sites have vanished, but the issues raised by these sites will not go gently into that good night. So teachers and administrators need to be aware of the ethical issues raised by such sites. As internet access becomes faster and faster, downloading music and videos becomes easier and easier. Computer hackers easily cracked the encryption code of commercial DVDs, so they can copy any movie and post it on the web. So then, what is/was P2P? These sites are basically search engines, a centralized directory used to find music stored on computers connected to the Web from locations all over the world. They do not store any MP3 files on its server; rather, they simply tell you where to locate the songs you're looking for. Technically, when you use file sharing sites, you are copying a file from another user's computer. To use these sites you first download and install software. The program searches your hard disk for music and video files. After scanning your files, the software sends the results to the website directory. The files made available in this way are usually copyrighted. Other users then search for files and access those files directly from your computer. A recent search on one directory turned up many illegally copied DVD versions of current movies. The Supreme Court has issued a decision holding these sites liable for illegal downloading by their users.

### **What is the Issue?**

Herein lies the controversy. According to Bob Kohn, CEO of [EMusic.com](http://EMusic.com), "The entire purpose of P2P service is clearly to facilitate the copying and mass distribution of MP3 music files without any regard for those who hold the copyrights to the recordings." Yet the The Audio Home Recording Act (AHRA) gives consumers the right to create and transfer digital music for noncommercial purposes. In other words, consumers can burn a CD of music that they own. Thus, according to these sites, downloading an MP3 file from another computer is analogous to borrowing a CD from a friend to "Try before you buy."

While many of these sites have been stopped, there is no stopping this use of the web as many other download sites have appeared in its place. Students routinely download illegal music files and videos. What should the school's role be? Should students be allowed to download these files while using school owned computers? Is this an ethical issue or a matter of economics? There are no easy answers, but most certainly these issues will continue to proliferate.