

Copyright Law Training Package Based on Cognitive Information Processing

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## Copyright Law Training Package

Based on Cognitive Information Processing

### **Package Overview**

This training package about copyright law is intended for a compulsory course at Rutgers University, called Media Ethics and Law. The course has approximately 20 undergraduate students per semester and is taught in a traditional classroom setting by a single instructor. One 80-minute session is allotted for copyright law. It is intended to increase student awareness of what they can and cannot legally do with material made by others, as well as the rights they hold over things they make. Many of our students will go on to work as writers or build news Websites, so it is critical they understand copyright law.

The package was designed using Cognitive Information Processing (CIP) theory. This theory was inspired by the advent of computers. It views the mind as an information processing system that stores, transforms, and retrieves data (Driscoll, 2005). By applying CIP theory, instructors can help learners move information from sensory and working memory to long-term memory, in a way that encourages understanding and easy retrieval (Driscoll, 2005). Essential aspects of putting CIP into practice include gaining and retaining learner attention, helping learners identify patterns, organizing the information into chunks, providing varied opportunities for practice, and relating new knowledge and old for ease of encoding (Driscoll, 2005).

CIP was selected for this training package because it is a good fit for this particular group of learners and the content. Notably, CIP puts an emphasis on gaining and retaining the attention of learners. This has proven to be critical when teaching the busy and often exhausted young adults that make up the JMS undergraduate population. Many have a full load of classes, are completing an unpaid internship, and working another job to offset tuition costs. Moreover, the

material is presented as part of a compulsory course (Media Law and Ethics), so learners often are not innately interested in the material. Therefore, garnering learner attention is key for this course.

The aspects of copyright law covered in this module are also well suited to CIP. The information can be easily chunked into sections and subsections. For example, there are five factors related to fair use that form five chunks of information. Copyright is also a topic the learners have some awareness of already, so new knowledge can be tied to old.

The objectives for the module are also well suited to CIP, as they depend on the storage and recall of specific pieces of information. Not only must these facts be listed, they must also be recalled to analyze scenarios. While several learning theories could work for the content, CIP is well suited because it provides strategies -- such as chunking, pattern analysis, and varied practice -- to achieve these end goals.

The strategies employed in this module are directly drawn from CIP theory. For example, the module encourages learners to use a mnemonic device, suggesting they think of the phrase “lions prefer meat to noodles” to remember five keywords related to the factors of fair use: limited, purpose, money, transformative, and nature. Mnemonics have been shown to be effective in rote learning (Putnam, Kenkel & Marsh, 2015), similar to the task of memorizing the list of fair use factors required for Objective 2 and embedded in Objective 3 (See Objectives, page 5). In fact, research indicates that a mnemonic studied for a list of ten – studied only for a few minutes – assists in transferring the information into long-term memory and later retrieval (Putnam, Kenkel & Marsh, 2015).

The slideshow uses another strategy associated with CIP: chunking. Note, specifically, how each fair use factor gets its own slide before they are all brought together for the mnemonic.

According to CIP theory, breaking down the information into well-organized groupings and offering with limited information per slide helps learners organize information mentally so they can make sense of it and retrieve it easily later (Driscoll, 2005).

This training package ties prior knowledge to new information, too. Specifically, the lecture slides relate copyright to the rights someone has over a car they purchased. It garners learner's attention by noting that copyright law is a topic they deal with each week, when they download music or borrow an image to use for a class presentation. The module also includes varied opportunities for students to interact with the content before they are assessed on a final exam, including a practice scenario analysis and a game. The practice scenario helps to move the learner from mere memorization of the factors to fully understanding them, which is critical to the course objectives career success (Bransford, J., Brown, A. & Cocking, R., 2000). The scenario analysis promote students to look for patterns that tie cases to factors, too. Using mnemonics, promoting practice, chunking and relating new information to old are all thought to be good ways to promote information encoding, according to CIP theory (Driscoll, 2005). Ultimately, this should mean learners are more likely to store the information in long-term memory (Driscoll, 2005).

## **Objectives**

After completing the copyright law module, learners will be able to:

1. List all five rights held by a copyright holder with no errors;
2. List all five factors a court considers when determining fair use with no errors;
3. Explain how a court would likely rule in two invented scenarios involving a possible violation of copyright by applying at least two fair use factors per scenario, with no errors in logic.

### **Lesson Sequence and Timing**

1. **Introductory discussion (5 minutes):** The instructor introduces the subject and explains how it relates to the daily lives of learners.
2. **Lecture with slideshow (15 minutes):** The instructor discusses each slide in sequence, fielding questions as they arise.
3. **Small group activity (25 minutes):** Learners work in small groups to discuss how a court might rule in four scenarios related to copyright law.
4. **Scenario discussion (15 minutes):** The class discusses their answers collectively. The instructor encourages debate, playing the Devil's advocate as required.
5. **Game (15 minutes):** Using the same small groups as before, students compete in a game show, answering questions from a slideshow while the instructor keeps track of the score.
6. **Wrap up lecture (5 minutes):** The instructor discusses the unpredictability of court rulings and reminds students about the upcoming exam and to review the slideshow and their notes.

### Detailed Lesson Plan

Note: The script below is offered as a suggestion. The script for the Copyright.pptx slideshow is also included as notes on each slide and can be easily viewed in Presentation Mode.

#### 1. Introductory discussion:

Script: “Today we are going to be studying a subject that affects your life online every day: copyright. Raise your hand if you’ve ever uploaded a photo that you didn’t take and shared it on your Website or social media page. Who has ever emailed a scan of a textbook chapter to a friend, or used one provided by an instructor. Let’s see those hands! Now, who has ever watched a YouTube video or a Hollywood movie in a classroom? I figured! Every time you download a song, upload a photo, or email book scans, you’re mucking about with material that probably has a copyright. You might even be unknowingly breaking copyright law! I know many of you are already writing news stories and taking photos, too, as a part of your internships or for your own site. If you share your work online you will want to know about these laws too so you can make money from your work and ensure it is only used the way you want.”

#### 2. Lecture with slideshow:

Open Copyright.pptx slideshow to title slide (slide 1) in Presentation mode and follow the script. Advance from title to slide 1.

Script: “There are two key things we’ll cover today: the rights of copyright holders and how a court determines if those rights have been violated. By the end of the class, you should be able to make good predictions about copyright cases.”

Advance to slide 2.

Script: “When you hold the copyright to an article, photograph or song, it works much like owning a car. You can not legally drive someone’s car without the owner’s permission.



Similarly, you cannot use a friend's photo on your Website without their permission — even if it is only for a week. Furthermore, only the owner of the car can sell the car, or change the appearance of the car. No one but the copyright owner can sell, give away or adapt a copyrighted work.”

Advance to slide 3.

Script: “When we look at copyright law in detail, we see there are even more rights involved than we can relay in this analogy! Specifically, the copyright holder is the only one who can legally reproduce, adapt, publicly perform, publicly display or distribute the material in question. Just to be clear, adapting something might mean filming a sequel or converting a short story into a novel.”

Advance to slide 4.

Script: “How long copyright lasts depends on a bunch of things that you don't need to know for this course. What you need to understand, however, is it lasts for a lot longer than the original 25 years it lasted when the copyright act was first introduced in the United States. Today, it typically lasts for the life of the author plus at least another 70 years! Copyright can cover a myriad of things including short stories, feature films, artwork, plays, and blogs. But it must be something original and have gone beyond an idea in your head. The idea must have to have been expressed in some way. It's also worth noting that facts can't have a copyright. They lie in what's called the public domain. Consequently, anyone can publish, sing, or record a video saying that New Jersey was founded in 1787 because it's a fact.”

Advance to slide 5.

Script: “The way copyright law was originally established, by default it should be the person who wrote the article or made the painting who owns the copyright. But if you have done it as a part

of your job, the copyright likely belongs to the company. Whenever you are negotiating a contract, try to ensure the company only owns the right to first use and only to things you make on the company's time. This leaves you the right to sell it later and you would retain all rights to things you make when you are not at work."

Advance to slide 6.

Script: "If you want other people to use your work, you can take it on a case by case basis, individually answering each person who asks permission to, say, publish your photo of a daisy in a book about flowers. You can also stipulate on the work just how it can be used by providing information about the terms of its public copyright license."

Advance to slide 7.

Script: "One common type of public license is called a Creative Commons license. The terms of the license should be stated on the document. You can use the icons shown here or write out your terms in words. You might want to allow for, say, reproduction but not performance.

Alternatively, you might want to stipulate that your work can be used for say, non-commercial purposes, as long as you get credit as the creator. Note that material listed as in being in the public domain (that's the icon that has the c with the slash through it) can be copied, published, used commercially without needing to list the name of the creator. By default, though, no one has the right to use your work at all without your consent -- even if they put your name all over it."

Advance to slide 8.

Script: "There are also times when it's legally permissible to reproduce, adapt, perform, display, or distribute copyrighted material even if you haven't gotten explicit permission from the

copyright holder. Such instances are called fair use. When a court determines whether a use was fair, they consider five key factors. Typically, several factors are considered in any one case. You will want to make sure you are thinking about at least two factors in any case posed in our class.”

Advance to slide 9.

Script: “The first factor considers the amount of copyrighted material used, as a percentage of the whole. Ten pages from a 100-page textbook would likely be considered fair use because it’s such a small part of the whole. But there is no one, five or ten percent rule.”

Advance to slide 10.

Script: “The second factor, purpose, looks at how the material is being used by the alleged violator. The courts understand that to comment on something you might need to show clips of it, or include passages from it in your work. They also enforce the rights of teachers to use various copyrighted materials for educational purposes, like showing a movie or YouTube video in a classroom.”

Advance to slide 11.

Script: “But teachers cannot give away textbooks for free because of the third factor: money. Anything that will significantly impact that revenue of the rights holder could be considered a violation of copyright law.”

Advance to slide 12.

Script: “If the user has transformed the original material considerably, then it might be a fair use. Adding multiple filters, cropping and skewing a piece of digital art could change the original into

what is, effectively, a new piece of art. It will be up to the court to determine whether there has been enough of a transformation.”

Advance to slide 13.

Script: “Finally, the fifth factor is the nature of the original material. A collection of facts or something that was never published likely could not have had a copyright in the first place, so any use would likely be fair.”

Advance to slide 14.

Script: “That’s a lot to take in. But I have an easy trick to help you remember all five factors: limited, purpose, money, transform, and nature. Just think of this simple phrase to remember the first letter of each: Lions prefer meat to noodles.”

Turn off slideshow.

### 3. Small group activity - Copyright Scenarios:

Handout one Copyright Scenarios sheet (See Appendix A) per student.

Script: “For this activity, I would like you to form groups of three to four students. You are going to work together on four copyright scenarios to try to determine how a court might rule in such a case. Remember that the court considers all five fair use factors when reaching such a decision, so be sure to discuss at least two factors for each scenario. Each of you should take notes on your answers, and then we will gather together in 25 minutes to discuss your thoughts as a class.”

4. Scenario discussion: Read scenario 1 aloud to the class before asking one student to share their answer. Then ask for responses. Highlight the factors verbally and probe for clarity as needed, to ensure learners are making connections between the fair use factors and the scenario.

Compare and contrast the scenarios to reveal patterns in how the scenarios relate to factors. If

little debate ensues, play Devil's Advocate and solicit student opinion again. Repeat this process for each question.

#### 4. Game:

Open an Internet browser and go to the Copyright Kahoot! Game at

<https://tinyurl.com/y3h9yl68>. Select Team Mode.

Script: "Now we are going to review what we have just learned with a quick game of Kahoot!

Get out your phones or laptops, open a browser to Kahoot.it or use your Kahoot app. Then enter the code you see on our classroom screen. We will be playing in the same groups you just used for the scenario activity, so you will only need one device per group. I'll give you a minute to enter a name for your team. Then enter the name for each player. A question will appear overhead and you will have a few seconds to discuss before selecting the right answers on your screen. One question might have more than one correct answer. The team with the most points wins!"

Once all the groups and names have been entered, countdown to the start of the game and read each question aloud to the class as it appears overhead. When all seven questions have been completed announce the winner of the game and have the students give a round of applause to the winners. Ask the learners if there are any questions about today's lesson and respond accordingly.

#### 6. Wrap up lecture:

Switch back to the Copyright.pptx slideshow and advance to slide 15:

"I just want to leave you with a few important thoughts before I let you go. You will be asked to list the five rights and the factors of fair use on the final exam. You will also have to use that knowledge to analyze cases. So you will want to review the slideshow and your notes from

today's class before the exam. While it is impossible to know with 100 percent accuracy how a court will rule, understanding the fair use factors can help you make logical predictions about cases and good choices in life! That's why I will want you to back up your answers with sound reasoning based on what you have learned on the exam, just as I prompted you to in today's copyright scenarios. Let me know if you have any questions about this topic in the days ahead!"

## Appendix A

### Copyright Scenarios

Form a group of three or four students. Begin by reading through the first scenario. Then discuss it with your teammates. Given the five factors of fair use — **Limited, Purpose, Money, Transformative, Nature** — how do you think the court would rule and why? Is the use fair or a violation of the Copyright Act? Be sure to reference at least two fair use factors per scenario.

Repeat this process for each of the four scenarios.

1. Monique spent hours making a video featuring the audio from her favorite Ariana Grande song. She added some pictures she took of Ariana at her last two concerts and superimposed text with the lyrics, so other fans could sing along to the whole song. She uploaded the video to YouTube and added a text description stating, “All rights go to the singer.” Monique is thrilled when, a day later, it has already received 1,700 hits! Would Monique’s video likely be considered a fair use of Ariana’s song?
2. Professor Elan Rhys downloads a copy of the 2003 documentary, *The Corporation*. With a run time of nearly 2.5 hours, the movie is too long to show the whole thing in one class. So he plays a 30-minute segment each week, for the first month of class before a discussion of course content related to that portion of the movie. His class of 20 students enjoys the way the film makes the issues come alive but Rhys is debating whether to use it again the following semester. Would a court likely view his use as fair?
3. Your best friend asks if she and her boyfriend can borrow your textbook to study for the quiz. You tell her you need it yourself — you still haven’t started studying yet! You decide to scan the chapter that will be on the quiz and email it to both of them. It doesn’t take too long to scan — the chapter is only 15 pages out of the 200-page book. When a third person asks to

borrow your book, you decide it is easier to just put it online and send a link to the whole class.

Did you just violate the Copyright Act?

4. You write a freelance article for Vox and it goes viral. Hundreds of people are linking to it on Facebook and Twitter. You notice something odd, however: a bunch of those links are going to some random Website you've never heard of before called Andy's Deep Thoughts. You call your editor at Vox. He says he's never heard of that site either. According to your contract, Vox owns first rights to the story. Then the copyright reverts back to you. The article on Andy's Deep Thoughts contains your whole story, interspersed with commentary about what you wrote. It does give you credit for the original story, however. Is this a fair use or a copyright violation?



## Appendix B

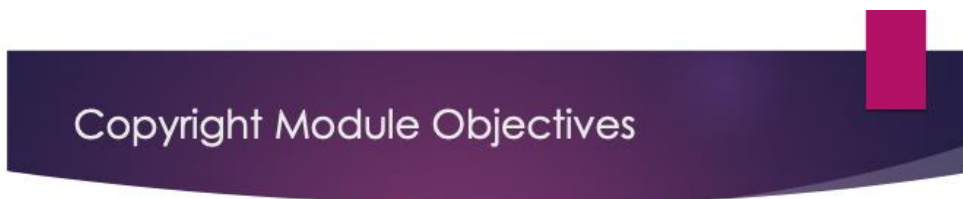
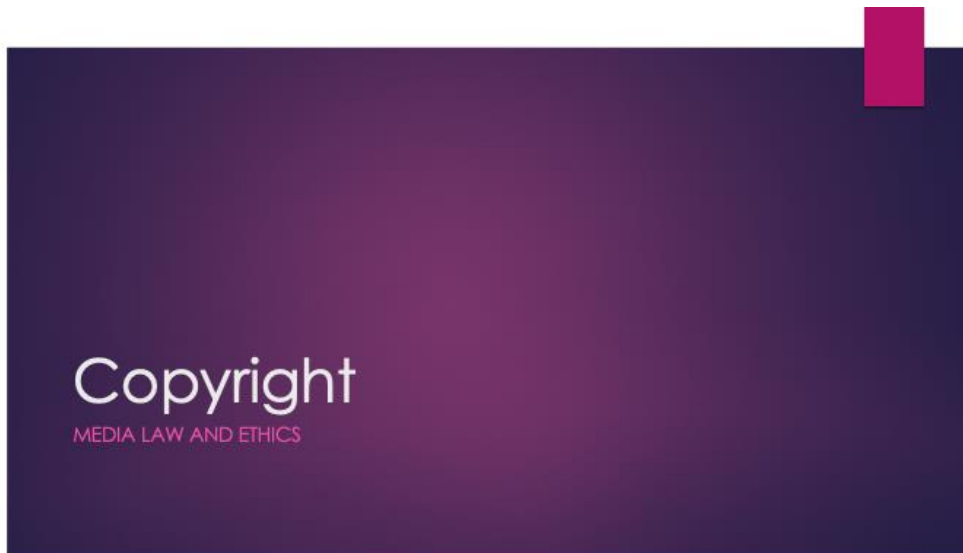
### Assessment

The following questions will be included in the final exam.

1. You write a blog about an incident of police brutality you witnessed downtown last week and publish it on your own Website. What rights do you have to this blog post under the Copyright Act? (2.5 points, 0.5 per item)
2. What are the five factors that courts consider in copyright cases? (2.5 points, 0.5 per item)
3. You're walking past Barnes and Noble when you spot a photo of your favorite actor in the latest issue of Essence magazine. You don't normally buy paper magazines but the cover photos are incredible. You buy it, bring it home, and decide everyone needs to see this cover. You take a picture of it with your iPhone and upload the photo to your Instagram account. Would this likely be considered a fair use by a court and why? Be sure to discuss at least two fair use factors in your answer. (2 points, one per factor)
4. You are in charge of organizing a sorority party next week, to raise money for the annual "Greek Life Ski Trip". You plan to charge guests \$15 to attend and show a Netflix movie in the basement of the sorority house. Based on past parties, you figure about 150 people will show up over the course of the evening. Is this a fair use of the movie? Be sure to discuss at least two fair use factors in your answer. (2 points, one per factor)

## Appendix C

### Slideshow



1. Know the five rights held by a copyright holder.
2. Know the five factors a court considers when determining fair use with no errors.
3. Explain how and why a court would likely rule in copyright cases, given those fair use factors.

## What is copyright?

Copyright is a property right. It works much like owning a car.  
If you do not own the car, you can't...

sell it it,



give it away,



or alter it without permission.



Photo credit: Shutterstock

## Five Exclusive Rights

When you own the copyright to a story, for example, you have five exclusive rights. These are the right to:

- Reproduce;
- Adapt;
- Publicly Perform;
- Publicly Display;
- Distribute.

## What can copyright protect?

**Copyright protects original works of authorship**, typically for the life of the author plus an additional 70 years!

Copyright can cover literature, software, music, dramatic works, pantomimes, choreographic work, pictures, graphic, sculptures, movies and even architecture.

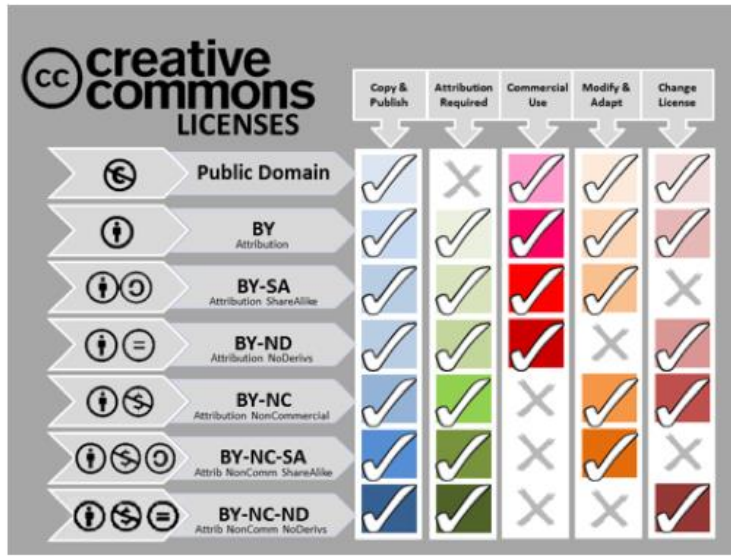
Something that does not have a copyright is said to be in the public domain.

## Who holds the copyright?

In theory, the creator of the work holds the copyright by default.

In practice, it's often the company the creator was working for when it was made.

It's important to read your contract. If your employer only owns the **right to first use**, you can sell the same material later.



The image shows a Creative Commons Licenses matrix. It lists eight license types on the left and five permissions on the top. Each cell contains a checkmark (allowed) or an 'X' (not allowed).

	Copy & Publish	Attribution Required	Commercial Use	Modify & Adapt	Change License
<b>Public Domain</b>	✓	✗	✓	✓	✓
<b>BY</b> Attribution	✓	✓	✓	✓	✓
<b>BY-SA</b> Attribution ShareAlike	✓	✓	✓	✓	✗
<b>BY-ND</b> Attribution NoDerivs	✓	✓	✓	✗	✓
<b>BY-NC</b> Attribution NonCommercial	✓	✓	✗	✓	✓
<b>BY-NC-SA</b> Attrib NonComm ShareAlike	✓	✓	✗	✓	✗
<b>BY-NC-ND</b> Attrib NonComm NoDerivs	✓	✓	✗	✗	✓

# Fair use

Nature of the Material

Money Lost



Transformative Use

Limited Amount

Purpose

Photo credit: Clipartmax



## Five Factors of Fair Use

### **Limited Amount**

Using a small percentage is normally fair.



## Five Factors of Fair Use

### **Purpose**

Commentary, educational and non-profit uses are typically fair.



## Five Factors of Fair Use

### **Money lost**

If using the work does not deprive the copyright holder of money, it is probably fair.



## Five Factors of Fair Use

### **Transformative Use**

If the unlicensed use transforms the copyrighted material it is likely fair.

## Five Factors of Fair Use

### **Nature of the material**

Using facts or unpublished work is likely fair.

## Fair Use Factors Mnemonic

**L**imited, **P**urpose, **M**oney, **T**ransformative, **N**ature

Remember the fair use factors this using the mnemonic:

**L**ions **P**refer **M**eat **T**o **N**oodles





## What's on the exam?

Be sure you can:

1. List the five rights held by a copyright holder.
2. List the five factors a court considers when determining fair use with no errors.
3. Explain how and why a court would likely rule in copyright cases, noting at least two fair use factors per case.

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