

# WHERE Challenge 2016: Fair Use | Dealings

## Fair Use | Fair Dealings Backgrounder

The Education Team at **Mining Matters** understands that a picture can represent a thousand words, but when that picture was taken for a source protected by copyright, the picture is now only worth four words: *illegal use of property*. This view may differ from those that are uninformed, but the practice of copying and pasting an image from a source that is not your own, goes against the laws governing ownership. The owners of the content did not give their expressed consent for you to use their property.

Did you know?

*Whenever you write a poem or story or even a paper for your class, or a drawing or other artwork, you automatically own the copyright to it.*

Respecting *Fair Use | Fair Dealings* practices is an important criteria evaluated in the judging process. To ensure that all entrants are versed in “what to do” versus “what *not* to do” we have put wrote this document to help you understand how to use work that others have created in a way that is respectful to author owning the rights.

## What is fair use | fair dealings?



Figure 1 - Stuart Miles, Scales of Justice Ke Magnified Means Law Trial

*Fair use | fair dealings* is a legal exception to the exclusive rights an owner has for his or her copyrighted work. *Copyright* is the right of an owner to prevent unauthorized copying or use of their intellectual property by others. A work of authorship includes literary, written, dramatic, artistic, musical and certain other types of works.

It is important to note that copyright does not extend to works in the *public domain*; words, names, slogans, or short phrases (those may fall under trademark law). This means that if the works is not protected by copyright, then there is no concern whether fair use practices apply. The goal of *Fair Use Guidelines* is to allow for limited and reasonable uses of property as long as it does not interfere with the owners' rights to do with the work as they wish.

There are many resources for free images, whether public domain, licensed creative commons or inexpensive stock images, so you really shouldn't need to use copyright-protected works for your contest entry, creating that cool PowToon, Prezi or making a video. But if you find an image that you really want to use, ask first. You'd be surprised how many people will grant permission for use of their images especially for educational purposes.

## Royalty Free Images and Music

The following are just a few suggestions. There are more out there to be discovered.

### Images

<http://www.freeimages.com/>  
<http://www.freedigitalphotos.net/>  
<http://www.canstockphoto.com/>

### Music

<http://www.musicloops.com/>  
<http://www.royaltyfreemusic.com/>  
<http://freeplaymusic.com/>

### References:

Government of Canada. (2014). *Copyright Act R.S.C., 1985, c. C-42, Section 29*. Retrieved from, <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html> July 9, 2015 at 3:43 PM.  
Hawkins, S. (2011). *Copyright Fair Use and How it Works for Online Images*. Retrieved from, <http://www.socialmediaexaminer.com/copyright-fair-use-and-how-it-works-for-online-images/> July 9, 2015, at 3:36 PM.  
Stanford University Libraries. (2005) Fair Use. Retrieved from: <http://fairuse.stanford.edu/overview/fair-use/> July 9, 2015 at 3:48 PM.

## Copyright Infringement, Plagiarism and the WHERE Challenge

*Copyright infringement* occurs when you reproduce piece of work without the permission of the copyright owner. As students attending a K – 12 educational institutions in Canada, you are expected to respect the rights of copyright owners when you complete assignments for school and the same is expected when you submit an entry for consideration by the WHERE Challenge judging panel. You are discouraged from capturing images, graphic or other materials the website you visit while doing research.

*Plagiarism* in the school setting is a serious offence and the Education Team at Mining Matters believe that there is good cause for it to be so. Plagiarism occurs when a student makes use of writings, idea or images of another presenting it as if it were their own. If you decide to make use of information found on the Internet, in magazines or books for your entry, **you are required to acknowledge the source of the information either in a bibliography or reference page.** This is simple enough to do and just requires some planning on your part before you start your research for your contest entry.

### Exceptions: Creative commons and Public Domain

*Creative Commons* is a non-profit organization that works to increase the legal sharing and use of creativity and knowledge at no cost to the user. A Creative Commons license grants distribution of copyrighted works under some conditions. A *public domain* work may be used freely by everyone because it is not protected by copyright.

Traditional Copyright ©	Creative Commons CC	Public Domain DP
Work cannot be used, adapted, copied, or published without the creator's permission	Work may be used <u>without</u> permission, but only under certain circumstances. ... Creators set rules for the way their work is used.	Work can be used, adapted, copied, and published, completely without restrictions, no permission needed.
What does it apply to?	What does it apply to?	What does it apply to?
All original work is protected under copyright when it's created.	Only work that creators have chosen to designate as Creative Commons.	Work published prior to 1923, work by long-dead creators, and work that creators have placed in the Public Domain.

Figure 2 - Copyright and Fair Use found at GCFLearnFree.org

Here are two great infographics that can serve as a general guideline to help you know what you can do with the information you find on the Internet:

TheVisualCommunicationGuy.com. (2014). *Can I use that picture?*  
<http://thevisualcommunicationguy.com/2014/07/14/can-i-use-that-picture/>

The University of British Columbia. (2015). Copyright at UBC: Creative Commons Guide.  
[http://wiki.ubc.ca/File:CC\\_License\\_Requirements.png](http://wiki.ubc.ca/File:CC_License_Requirements.png)

And a website created for students like you with easy to understand explanations and examples, Copyright Basics, <http://www.copyrightkids.org/cbasicsframes.htm>.

### References:

Toronto District School Board. (2014). Policy, procedures and forms: Online code of conduct. Retrieved from <http://www.tdsb.on.ca/Portals/0/AboutUs/docs/OCC.pdf>, July 11, 2015 at 4:59 PM.