



CHAPTER 11



To Copy or not to Copy

A Summary of Ethical Issues and Technology

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To copy or not to copy, that is the question: whether it is better to obtain some software by relatively easy means and think of all sorts of justifications to 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 # it was. We only wish 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 photostating 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.

From another Teacher:

How can they expect us not to copy the software? It's just like records, cassettes and videotaping. Look, 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 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. [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 posts 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. A few facts. 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 legally or illegally recorded music in assemblies or for music used in student films. And should not.

Now Let's Review the Facts

Fact #1: Copying computer software 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.

Fact #3: The copyright laws of this country have evolved over the last two hundred years, 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 by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writing and Discoveries. 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.

Fact #4: The widespread copying of music has not been so innocent. Napster and other websites have raised a number of ethical issues.

Fact #5: Many software companies offer site licenses and multiple disk lab packs as attractive alternative for schools: Scholastic, Sunburst, Microsoft, Tom Snyder, and so on. Other companies will make some arrangements for schools if contacted.

Fact #6: It is not so complicated to explain the proper use for taping 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. The Copyright Primer makes all this information quite clear, even including a question and answer format!

Fact #8: Information is available! The Copyright Primer is available from The American Library Association (800-545-2433). The Computing Teacher from ISTE (800-336-5191) and ADAPSO (703-522-5055) are excellent sources.

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 in the last decade 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 software honesty! With at least 5 believers, it is generally reasonable to raise the obvious issue!

From a former headmaster of Noble and Greenough School:

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:

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?

One of three community principles at Noble & Greenough School:

Honesty is one of the essential values at Nobles. Any form of dishonesty is unacceptable.

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 and software, 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 from 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 issue is not going to go away. As technology advances, we will have more and more things to copy. Once upon a time, it was only paper. Now we have software CDs that can be burned, images that can be used inappropriately, music and videos that can be downloaded. 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 3 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 at Nobles each Fall

**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!

The image shows a handwritten musical score for piano. On the left side, there are four vertical buttons labeled 'SHOW', 'HIDE', 'BEGIN', and 'CREDITS', and a 'STOP' button. The score itself consists of five staves. The top staff is the treble clef with a key signature of one flat (B-flat) and a 12/8 time signature. The second staff is the bass clef. The third and fourth staves are also bass clef, likely for the left hand. The fifth staff is a lower bass clef, possibly for a double bass or a second left hand. The score includes various musical notations such as chords (G, C, D, D7), notes, rests, and dynamic markings. There are also some circled numbers (1, 2, 3, 4) and a 'C' in a circle, possibly indicating fingerings or specific chords.

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

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 that will provide students with papers.

1. 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.termpapers-on-file.com sells essay for Only \$ 8.95/page + FREE Bibliography ! If You Don't See What You're Looking For, Choose A Category and get a custom made essay. This is a 24 hour a day service so students can receive emailed or fedexed papers within hours. The range of essays available is astounding.
3. www.antistudy.com is not necessarily a plagiarism site; it provides links to study guide notes available on the web for many, many novels.
4. www.4freeessays.com provides free essays on a wide variety of subjects.
3. plagiarism.org is a website created by UC Berkeley profs; this website for a small fee will analyze student essays to see if they have been stolen from a website. The site is designed for college profs but anyone can use it. Teachers can upload papers or require their students to do so. From their web site: "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 has increased by 744% from 1993-1997

Students can be led to these unsavory sites quite by accident. Most search engines, particularly Altavista, will provide a free essay site or a for fee essay site as one of the hits returned. I went to Askjeeves and asked where I could find 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 in an absolutely appropriate manner could be led by the nose, so to speak, to an illegal site

Here are some thoughts about keeping kids 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.
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 web; when the whole world is watching, students might be less apt to cheat.

Getting up to speed

1. Teachers need to become familiar with the tech specifics of how illegal papers are purchased or found.
2. A reasonable assignment for every English teacher and History teacher should be to obtain an essay to share with colleagues
3. Teachers appropriate the web by visiting school web sites to see the papers published online and using the best of these essays as examples
4. Schools can post student work from a link off the teacher's page who assigned the work. The teacher must first check, proof, then authorize the publishing.
5. Oh What a Web Weave, Computer Technology in Secondary Schools by Tim Hilman and Craig Thorn IV, published by Avocus, is highly recommended for its philosophical framework on web issues.

Suggestions and Ideas

1. Produce a web page that outlines the concepts of plagiarism and honesty
2. A combined mini-class by a computer teacher and history/english teacher can be very effective to highlight the tech and intellectual aspects
3. The more PR the better; publish a parent newsletter, student guide, and handout sheet. Offer faculty workshops.
5. Create a conference called Term Papers on your e-mail system and require all papers to submitted to the conference. Use the features of your e-mail system to check web sources in these papers.
6. Appropriate these sites by using downloaded essays as models of how or how not to write essays.
7. 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.
8. Alert parents.

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 Web site, 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 multi-media 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 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 multi-media 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 three 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 multi-media 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.

MP3 Files and Napster

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 WAV files require about 11MB per minute.) To create an MP3 file, an MP3 encoder reads a WAV 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 and 5 megabytes, can be downloaded in MP3 format from a website fairly quickly and easily.

What is Napster?

The website Napster might well disappear, but the issues raised by Napster 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. Additionally, many computers now come equipped with CD and DVD burners, so anyone can easily download MP3 files and burn a DVD that can hold 80 hours of music.

So then, what is Napster? Napster is basically a search engine, a centralized directory used to find music stored on computers connected to the Web from locations all over the world. Napster does not store any MP3 files on its server; rather, it simply tells you where to locate the MP3 songs you're looking for. Technically, when you use Napster, you are copying an MP3 file from another Napster user's computer. To use Napster you first download software from Napster's Web site and install it on your computer. When you install the program, it searches your hard disk for MP3 music files. Once Napster has scanned the music files you want to share, it makes a list of those files and sends the list to the Napster directory. The MP3 files made available in this way are usually copyrighted music files. Other Napster users can then log on to Napster, search for MP3 files, and then access those files directly from your computer.

What is the Issue?

Herein lies the controversy. According to Bob Kohn, CEO of EMusic.com, "The entire purpose of the Napster 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 Napster, downloading an MP3 file from another computer is analogous to borrowing a CD from a friend to Try before you Buy. The Recording Industry Association of America posts this opposition to Napster on its website:

Many things have to be considered when legally downloading music online, but a central issue is copyright. Copyright is the protection of the original expression of an idea, whether it is expressed in the form of music, a painting, or written material. Copyright provides a financial incentive (this is not why copyright was created, it was created to allow a vibrant market) for individuals to share ideas and inventions by granting that everyone -- whether you are a student or a professional, whether you are well established or just starting out - is able to protect his or her artistic work. Most existing copyright laws are valid in the online realm just as they are offline.

While Napster may be stopped, there is no stopping this use of the web. Students routinely download illegal MP3 files. 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 and continue to grow even more murky as the 21st century continues.

Safety and Internet Use

Suggestions to be shared with parents and for the classroom too

Take the time to see what your students and children are doing online

1. Parents should let their children teach them about the internet
2. Parents should surf sites with their children
3. Teachers and parents should help children assess the value and importance of the site
4. Students should take the online drivers test at www.safesurfin.com/drive_ed.htm

Discuss responsible behavior

1. go over the rules of safe surfing
2. establish clear ground rules
3. post safety rules by the computer
4. Go to Safekids.com for a safety contract.

Compare Unsafe behavior offline to unsafe behavior online

1. talking to strangers
2. giving out personal information
3. getting into fights
4. lying to teachers and parents

Discuss appropriate use of common trouble zones

1. Chat Rooms
2. Messageboards
3. E-mail (particularly from unknown sources) including issues of viruses, inappropriate behavior, inappropriate links included in email, jokes and chain letters
4. Adult websites

General Safety tips

1. Never give out personal information to people met online especially in public places like chat rooms and bulletin boards, or even contests; personal information includes name, age, school, address, phone number, pictures, financial information, passwords, sibling's or parent's name, sports participation or any other extracurricular activities, friends' names or personal information.
2. Never plan a face-to-face meeting alone with online acquaintances (male or female)
3. Never respond to offensive or dangerous email, chat, or messageboard communications.
4. Tell parents or teachers about any online behavior that makes the student feel uncomfortable
5. Advise parents to place their computer in the family room or another open area of their home

The Impersonal Computer

1. Impersonality creates false sense of security causing students to give out too much information unknowingly
2. The impersonal quality of creating e-mail can lead to rude and even cruel behavior as students and adults both seem to lose restraint and common courtesy when dashing off an email.
3. Testing out new personalities, according to MIT professor, Sherry Turkle, is a positive aspect of chat rooms, MOOS, etc. This testing allows children to take on a new persona, to test out whom they want to be, to break out of shyness or awkwardness.

Discuss the following What to do if... scenarios

1. Someone asks for personal information or makes you feel uncomfortable
2. A website asks for personal information (new legislation protecting children now exists)
3. An e-mail has an attached file
4. You are flamed in a chatroom or messageboard

Filtering Software for home or School?

How Filtering Works and other options

1. Software looks for "offensive" words or word patterns in context
2. Software maintains a database of objectionable URLs which can be updated
3. Software allows users to add sites or words to the list
4. Some software allows user to control access so some topics can be allowed for research, etc
5. Some software allows parents to create blocking systems unique to each child
6. Cybersitter.com has remote control software that allows parents to monitor their children's computer use on their own computers so parents can watch what their children are typing and they can get a daily update via e-mail
7. Some software can prevent kids from typing their name, address or phone number into the computer
8. Some software can set a timer on Web access because Web surfing can be just as addictive and just as time-consuming as TV watching. Or it can set a timer to allow web surfing only during specific hours.
9. Some software will scan both incoming and outgoing e-mail, AOL instant messaging, and ICQ chats. OR it can block all e-mail or chatting.
10. Home use includes safety features on AOL, Safe ISPs, Safe Search engines (www.yahooligans.com or www.ajkids.com) and using Family Filters on Search Engines (www.google.com, www.searchopolis.com, altavista (turn Family Filter On)) and create a safe home page

Web Sites that provide more information

www.americalinksup.org bills itself as a kids online teach-in with links to two safe surfing discussion boards, videos on safe surfing, safety tips, and links to kid friendly sites.

www.isafe.org provides monitored chats and messageboards for kids and teens, lesson plans for safe surfing, and an internet safety email newsletter.

Safekids.com states "you'll find tips, advice and suggestions to make your family's online experience fun and productive." It provides a free email newsletter on safety tips, child safety articles, a family contract for children and parents to sign and post on the computer, guidelines for parents and children, directories of filtering software and ISPs and Safeteens.com.

SafeSurfin.com states "This Web site's main goal is to help children, teenagers and adults understand how to safely surf the Web so that using the Internet and being online is a safe and fun experience." Teen Celebrities give safety tips and there is an interactive quiz on safe surfing.

www.getnetwise.org provides an online safety guide, very helpful links to Internet Safety products, sites for reporting problems, and an internet glossary.

www.cyberangels.org has information on online stalking, an internet agreement, a safety quiz, and strategies for talking to children about internet safety.

Netparenting.com provides an overview of internet basics for parents and an e-mail newsletter.