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Professional Development Critiques

**Images, Copyright, And “Fair Use” in the Academic Setting**

**The 5Ws About the Seminar**

Professional Development is an event where faculty and other stakeholders have a virtual meeting to discuss a certain topic. The Faculty Friday virtual meeting held on April 3, 2022, between 12:00 pm and 1:00 pm focused on the use of copyright materials, particularly by looking into what is considered fair use and what is not. A recording of this virtual meeting can be found on City Tech’s website and YouTube for reference. During this particular seminar, Anthony Accardo, a freelance illustrator, gives a talk and faculty members also get to ask questions.

**My Takeaway**

The seminar was vital in understanding the current systems that have been put in place to facilitate virtual learning. The City University of New York has taken all the necessary precautions to avoid being sued for violating copyrights while ensuring students have access to adequate resources necessary for learning. In particular, “the Copyright Act establishes a four-factor test, the ‘fair use test,’ to use to determine whether a use of a copyrighted work is fair use that does not require the permission of the copyright owner” (Faculty Commons, 2021a). By going over the fair use test, there is no denying that City Tech appropriately utilizes copyright material. The first factor is the purpose of the use. If copyright materials are used for teaching and research, the act can be considered to be fair use, but when it is used for entertainment, it is not fair use (Faculty Commons, 2021a). The materials can be utilized in class to meet the needs of an educational program, and students cannot be charged any fee directly for the materials. Moreover, fair use necessitates that the copyright materials be password protected and not be on the open web (Faculty Commons, 2021a). At City Tech, the materials made available to students are only to be used to meet the objectives of a particular course. Students are also allowed to use them in researching a particular concept or commenting on the views taken by a particular author. No further fee is required for the learning materials. Virtual learning at City Tech does not happen on the open web, rather it is conducted on the blackboard.

The second factor revolves around the nature of work. When the material is used for instructional purposes, it is fair use, but when it is used for fictitious work, it may not be viewed as fair use (Faculty Commons, 2021a). City Tech only allows students access to published and factual work that is vital to meeting certain objectives. I am yet to encounter any unpublished or fictitious work being used. The third factor entails the amount of the work that is used. In practice, excerpts are allowable, and entire works can only be considered fair use if they are posted on password-protected sites. City Tech has complied with the condition of restricting access by requiring that students use their login credentials to gain access to the blackboard, Open Lab, and library resources. The last factor focuses on the impact of the use on the market for the original work. Instructors are required to determine if copying copyright material harms its sale on the market (Faculty Commons, 2021a). Consequently, the instructor ought to include a citation to the original material (Faculty Commons, 2021a). City Tech library only permits the use of materials for research and criticism, and, as such, the institution does not harm the sale of any copyright. Likewise, instructors usually include citations when giving a presentation during class sessions. Also, when submitting assignments, one must provide citations to any work. Plagiarism is taken to be a serious offence, and every student is aware that any material not his or hers needs to be cited and a reference given at the bottom of each work. Therefore, City Tech has ensured that the use of all copyright materials falls under fair use.

**The Workshop’s Contributions to My Learning and Career**

The workshop has been very beneficial, and the conversations will be instrumental in guiding the way I conduct myself at school and in the workplace. The first approach will be that of boosting my creativity. I intend to always remain curious, seek out inspiration, unplug, set the proper mood, and collaborate with others while at school and in the workplace to ensure the production of creative ideas. With original ideas, I will avoid any lawsuits for violating any copyrights. Consequently, original ideas will help me earn whenever my work is used by others. To do so, I will ensure to register all my creative content to ensure copyright protection. The second approach I intend to use is that of attribution. Whenever I use another person’s work, I will always give credit to the creator. In this way, I will avoid any lawsuits. The third approach entails restricting myself to materials available in the public domain and creative commons. Accardo shared that there are sites that allow for unrestricted use of material without having to cite the work, and two such sites are Pixabay.com and Flickr.com/commons (Faculty Commons, 2021a). Using such sites will aid in avoiding being found to have violated another creator’s copyright. Nonetheless, care must still be taken when using materials considered to be in the public domain to avoid falling victim to the growing trend of rights grabs. Consequently, I appreciate that not all materials made available on Google have been made public by the creators. For instance, Accardo’s books are on Google Books, yet he did not permit them to be made public (Faculty Commons, 2021a). Lastly, I intend to model the right behavior. In the workshop, David Lee shared that he often just searches images on Google during class and displays them and by not modeling the right behavior to the students, the latter have also become accustomed to engaging in copyright infringement (Faculty Commons, 2021a). To avoid encouraging the wrong use of information online and exposing others to lawsuits for copyright infringement, I will now only model the right behavior, which I have learned in this workshop.

References

Faculty Commons. (2021a). Faculty Friday: Images, copyright, and “fair use” in the academic setting. Retrieved from <https://facultycommons.citytech.cuny.edu/event/faculty-friday-images-copyright-and-fair-use/>