Teaching media literacy in schools provides educators with unique opportunities to integrate current media technologies and popular culture into their classrooms. In their book *Web 2.0 for schools*, Davies and Merchant highlight the educational value of incorporating sites like YouTube, flickr, in classrooms, as well as the enriching experiences that blogging, photo and music sharing can provide (Davies & Merchant, 2009). Also, because alternative media production is important in critical media literacy, students will have opportunities to create their own films, music videos, collages and more. This can make learning more engaging and relevant for both students and teachers, and because students are more engaged in ideological analysis and participatory dialogue with a community, can lead to the creation of a more just society.

The integration of new media in the classrooms however is often a site of concern for teachers. Because teaching media literacy in the classroom can involve the inclusion of various forms of copyrighted material such as films, music, websites, etc., copyright issues become unavoidable. For teachers not familiar with copyright law, teaching media literacy can become more of a hassle rather than an enriching educational experience. Therefore, the more familiar teachers are with the copyright law, the easier it will become for them to incorporate media literacy in their classrooms.
Copyright Law & Fair Dealing

What is copyright law?

Put simply, copyright law protects “forms of expression” (Murray & Trosow, p. 37) such as sound recordings, literary/written works, performances, and broadcast signals (Ibid), as well as the people who created these things from infringement. Copyright law also acknowledges the rights of users, and in Canadian copyright law, this is referred to as “fair dealing.” For example, the following five areas—“research, private study, criticism, review and news reporting”—fall under the “fair dealing” provision in Section 29 of the Canadian Copyright act (Murray & Trosow, 2007, p. 75). As long as credit is given to the creator of that material and there is no motive of gain, the use of the text can be viewed as falling under the fair dealing condition of the Canadian Copyright Act (Canadian Copyright Act, Section 29-29.3).

Murray and Trosow (2007) also outline some helpful guidelines for ensuring that a particular work is “fair dealing”:

1- It must fall under one of the five categories mentioned above. If it does not fall under one of the five categories, it is not fair dealing.
2- If it does fall under one of the five categories, the second thing to consider is the “character of the dealing”- this refers to how many copies are being made of this particular work.
3- The “amount” refers to how much of a particular source a person is using in his or her own work. If the amount used is minimal, there is most likely no infringement of copyright.
4- Ask yourself if there were possible alternatives to using a particular source. If there is a non-copyrighted version available, this is generally preferred.

(For a full list of guidelines please refer to Murray & Trosow, 2007, p. 82-85).

As we can see, the concept of “fair dealing” is not as simple as it initially sounds, however it is an important concept in understanding other areas of the Canadian Copyright Act. Often, the language used in the Copyright Act and under fair dealing, is open-ended and thus open to misinterpretation. The best defense against copyright law misinformation and possible copyright infringement is education.
The Canadian Copyright Act also includes educational exceptions for most educational institutions. However, these exceptions remain highly restrictive because they do not include the diverse kinds of media many teachers may wish to use in their classrooms. As Murray and Trosow explain, “Copyright has historically treated works in all media equally, and given the variety of new technologies available such distinctions are especially confusing and constraining” (p. 118). As a result, the literature on using various forms of media in educational settings is limited, and often includes very little information regarding media literacy and copyright issues.

For the most part, educational “exceptions” include a very limited number of activities in which teachers can freely take part. For example, Sections 29.4 (a)- 29.7(3) of the Copyright Act describe the kinds of activities that are permitted under the educational exceptions clause. They include activities like making copies for use on overhead projectors, playing sound recordings, and playing news programs (see Murray & Trosow, 2007, p. 120-121 and the Canadian Copyright Act Sections 29.4(1)(a)-29.9).

In cases where educators wish to incorporate media texts or media production in their classrooms, they may be able to rely on “fair dealing” in order to avoid copyright infringement. For instance, student-produced films could fall under one (or all) of the five categories in the fair dealing clause. Most student work is also not produced for profit, nor is it shown in public places like theatres. This would mean that student-produced work could also fall under “fair dealing.”

...school based work on music sharing can serve as an early and relevant introduction to ideas about copyright, [and] about the rights of producers and consumers..." (Davies & Merchant, 2009, p. 72).
### Online Resources & Further Reading

<table>
<thead>
<tr>
<th>Source</th>
<th>Title</th>
<th>Description</th>
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<tbody>
<tr>
<td>Murray, J. L. &amp; Trosow, E. S. (2007).</td>
<td>Canadian copyright: A citizen’s guide</td>
<td>A quick and easy guide to Canadian copyright. It overviews key aspects of copyright law, and includes a helpful section on copyright law for educators.</td>
</tr>
<tr>
<td>Noel, W. &amp; Breau, G. (2005).</td>
<td>Copyright Matters!: Some key questions and answers for teachers</td>
<td>A useful booklet for educators that covers commonly asked questions about Canadian copyright.</td>
</tr>
<tr>
<td>Department of Justice Canada. (1985).</td>
<td>Copyright Act</td>
<td>This is the official Canadian copyright Act document. Section 29.4 will be of particular interest to those working in educational institutions.</td>
</tr>
<tr>
<td>Michael Geist. (n.d).</td>
<td>Michael Geist’s Blog</td>
<td>In this blog, law professor Michael Geist covers current news regarding Canadian copyright law. A great resource for educators who want an up to date and informed perspective on copyright issues in Canada.</td>
</tr>
<tr>
<td>Media Awareness Network. (2010).</td>
<td>Canadian Copyright Act- Overview</td>
<td>A brief overview of Canadian copyright issues for educators. Includes a discussion of copyright issues in regards to using the Internet and musical works.</td>
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