

## "Fictional Information Has Value, Too": Scenarios for Discussion

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The following are some sample scenarios/questions related to concepts from the "Information Has Value" frame. They use *Harry Potter* as examples, but could be adapted to any fictional work(s) that students are likely to be familiar with or interested in. The questions are written as if being posed directly to a student.

1. You're writing a paper for your Comp I class where you're talking about your favorite book, *Harry Potter and the Goblet of Fire*. You want to include a paragraph that comes directly from the book. Can you just copy the paragraph into your paper? Why or why not? What do you need to do to acknowledge the value of the book?
2. You're putting together a video that consists mostly of film clips from the eight *Harry Potter* films, set to your favorite song by Beyoncé. Is this legal? Does it make a difference what the purpose is? Does it make a difference if you post it on YouTube for anyone to see? What if you keep it on your own hard drive only? What if you submit the video for an assignment in your film class so that only the professor and maybe the other students in the class can see it?
3. You love the character of Ginny Weasley and you think she deserves more page time, so you write a story about what she does at Hogwarts during her sixth year (during the final book, *Harry Potter and the Deathly Hallows*, when Harry, Ron, and Hermione should be doing their seventh year in school but instead are wandering around the country looking for the Horcruxes). You post that story online at a fanfiction website where anyone can read it. Is that okay? Why or why not? Would your story affect the value of the original book? Would your own story have value?
4. You're taking a class on popular fantasy literature and writing a paper on critical reception of such works. How would you find examples of that information? How would you acknowledge it? Suppose one of the articles you find is really fascinating and you want to share it with some friends. Could you make extra paper copies for them? Could you email the article to them all? Could you share a link to the article if it's online? Could you repost the entire article on your blog? What should you consider to make any of these decisions about sharing?
5. Last semester you and some friends spontaneously decided to have a *Harry Potter* marathon and watch all eight films in one weekend. (You own copies of all the films on dvd.) You all had such a good time that you're going to do it again this semester after midterms. Since you're planning ahead, you make a flyer with a still image from one of the films plus the logo, telling about the marathon and inviting anyone in your dorm that wants to come. There's no charge but people are asked to bring snacks to share. Can you think of any potential problems with what you're doing?
6. You're so into *Harry Potter* that you belong to several online communities where other fans post their art, vids, and stories about that world and characters. There's a story that you like so much on one site that you want to share it at another. Can you just repost the whole story at will? If not, what might you want or need to do to behave responsibly? How about putting up just a link to the original story post? What if instead you make a piece of art (such as a watercolor painting) based on the other fan's story? Can you post an image of your painting online? Can you sell that painting?

## Information value and copyright:

1. **Common copyright myths** (all untrue):
  - a. Copyright law exists to ensure that creators get monetary compensation for the works they create.
  - b. Educators, schools, and libraries are frequently sued by rights holders.
  - c. Creative works protected by copyright law are the PROPERTY of the rights holders.
  - d. There are legal rules covering, or at least definite answers to, all copyright questions.
  - e. It is too hard to understand fair use to apply it correctly.
  - f. To comply with copyright, I must pay royalties for any use I make of copyrighted material.
  - g. If there is no copyright symbol © on the work, it's not copyrighted and I can share it freely.
  - h. The work is on the internet, so it must be in public domain and I can share it freely.
2. **Public domain** means no legal owner/copyright holder, work can be freely used by anyone however they like.
  - a. Texts published in the U.S. before 1923 are in the public domain.
  - b. Texts published in the U.S. between 1923 and 1977 that do not have a copyright notice or symbol are also in the public domain.
  - c. Other media—art, film, music, etc.—have somewhat different rules and relevant dates.
3. **Exceptions for educational uses** of material under copyright do exist.
4. **Analyzing copyright:** five questions to ask to see if material may be used (ask in this order!):
  - a. Is the work protected by copyright, or is it in the public domain?
    - i. If it's public domain, okay to be used
  - b. Is there a specific exception in the copyright law that governs my particular use?
    - i. If yes, okay to be used
  - c. Is there a license that covers my use?
    - i. If yes, okay to be used (after fulfilling conditions of license)
  - d. Is my use covered by fair use? [see number 5 below]
    - i. If yes, okay to be used
  - e. Do I need permission from the copyright owner for my use?
    - i. If no, okay to be used
    - ii. If yes, get permission (may require payment but may not)
5. **Fair use: the four factors:**
  - a. The purpose of the use
  - b. The nature of the work
  - c. The amount used
  - d. The effect of the use on value
  - e. Note that none of them alone is enough; you want the balance of the evidence, as it were, to favor fair use. So you need to think about WHY you need to use the material.
6. **Tools to use** to help decide if you can use the material:
  - a. The Public Domain Slider: <http://librarycopyright.net/resources/digitalslider/>
  - b. The Exceptions for Instructors E-tool: <http://librarycopyright.net/resources/exemptions/>
  - c. The Fair Use Evaluator: <http://librarycopyright.net/resources/fairuse/index.php>
  - d. The Copyright Genie: <http://librarycopyright.net/resources/genie/>