

## **SCREENSHOTS AND COPYRIGHT**

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### **Abstract**

The present article attempts to show how important and easy it is to use authentic material in the classroom. However, the teacher who copies news reports from the Internet may infringe the copyright law. The article offers a comparative analysis of copyright laws in Common Law countries and the EU countries in relation to fair use. The article tries to determine whether teachers may copy, what teachers may copy, what to do with authentic materials as screenshots and how to adapt them to TELC, KET and PET examination tasks. The Author suggests some reading comprehension and grammar development activities designed using Paint and screenshots.

**Key words:** authentic materials, copyright, materials' adaptation, exam preparation

## **1. Introduction**

Thousands of teachers all over the world know how important and yet difficult it is to create interesting classroom materials and original materials are so easily accessible nowadays. It seems crucial to use authentic materials in class because they can keep students motivated and interested. They feel they read what their peers might read in the country whose language they are learning. They read what they have recently heard in their national TV news report. They become a part of the global community and certainly a part of the English-speaking community. Some of them may start to look into the resources available on the Net and start reading on their own, which would be a real success for the teacher. Yet, the question to be asked at this point is whether the teacher is allowed to retrieve articles, images, advertisements, graphs and the like from the Internet.

## **2. Background**

### **2.1. Authentic materials in the language classroom**

Authentic materials are defined differently by authors. Morrow (1977) states that “an authentic text is a stretch of real language, produced by a real speaker or writer for a real audience and designed to convey a real message of some sort”. Harmer (1983) defines authentic texts as those designed for native speakers. “They are real texts designed not for

language learners but for the speakers of the language in question” (Harmer, 1983, p. 146). Nunan (1989, p. 54) states that authentic material “is any material which has not been specifically produced for the purposes of language teaching”. Authentic materials mean anything written or spoken in the target language. Shepherd (2004) emphasises that the term can include a newspaper article, a song, a video clip, a movie trailer, a TV or radio recording, a postcard, a poster, a flyer, a leaflet, an advertisement, a web page, a blog, indeed “anything produced in the target language and used unedited in the classroom” (Shepherd, 2004).

Although these definitions vary, they all agree in one point. Authentic materials are to exchange information and communicate messages in the population speaking the language. Their primary aim is not to teach the language. It is worth indicating that those well-known definitions are over twenty years old and authentic materials today are available on the Internet in electronic form and, with the help of technological developments, they can not only be easily and quickly accessible but also stored, altered and copied.

As regards the reasons for using authentic materials, Sam Shepherd claims that “using authentic materials is one of the mainstays of an imaginative and motivating (...) course” and it “can be rewarding and stimulating for both the teacher and the students” (Shepherd, 2004). The teacher may be bored with a course book offered by ELT publishers, especially if he/she is encouraged to use the same course book for several years, or use the same publisher because it is recommended by the school headmaster. With time an experienced teacher knows well what to teach in terms of content and structures. Authentic materials offer an escape from everyday classroom routine.

Teacher development seems a widely-discussed topic among teachers and their supervisors. Using authentic materials is a way to develop teachers' repertoire of techniques and knowledge. It is particularly important for those teachers who do not travel to foreign countries, who are so busy with their own families and work that the Internet and television are their only source of language input.

Some teachers may be reluctant to use authentic and not adapted texts in an elementary or pre-intermediate group. However, as Shepherd (2004) says, “this is unnecessary fear”, as it can be rewarding both for the teacher and the learner. The text selected may be difficult but, if it is not adapted to the special needs of our students, it serves a triple purpose (Shepherd, 2004):

1. it reflects the kind of situation your students may face in an English-speaking environment,

2. it saves you time and energy,
3. it encourages and motivates your students when they can 'conquer' a real text.

Coping with new words or phrases is the strategy which can be learned and has to be taught. It develops the students' linguistic and communicative skills and prepares them to be independent users of the language, which is even more important in the times when so many young people seek employment in other European countries and often have to join the English-speaking community.

It is not the text or video clip that the teacher should adapt, it is the task. The tasks can be made easier or more difficult, depending on the level of the group. The same set of advertisements can be used with both elementary and intermediate students. All the teacher must do is add proper questions or exercises. This saves time as well, as the same material can be used for different levels

## **2.2. The place of authentic newspaper materials in exam preparation**

According to Brosnan et al. (1984), authentic newspapers offer students a possibility to use non-linguistic clues, such as layout, pictures or colours, to help them deduce meaning, as well as get the immediate relevance of what they do in the classroom to what they hear or see in the media outside it. They motivate students by making an important connection between the classroom world and the world beyond it. Moreover, newspapers offer an excellent input material to practise reading, writing and speaking, to learn new vocabulary and sentence structures, as well as to acquire real-life skills.

However, teachers must bear in mind that their aim is not only to teach the language but also train students to pass state examinations or other well-known, recognised examinations offered to young people. In Poland, the most important ones are junior high school leaving examination (*gimnazjum exam*), high school leaving examination (*matura exam*), UCLES examinations like KET, PET or First (FCE), TELC examinations, and others.

The above exam papers include non-literary texts which reflect everyday situations at home or at work, while travelling and when talking about topics of personal interest. It is worth looking at some well-known examinations:

- ▲ TELC ("English A2-B1") examination is the best example. At every level TELC examination papers require the candidates to match headlines to short texts or news items, and in Part 3 of the Reading Paper candidates are supposed to understand advertisements and match the situations with the

appropriate advertisement.

- ⤴ KET (“KET Information for Candidates”) in Paper 1 Reading and Writing Part 1 requires a candidate to understand the message on a sign, notice or another short text which can be found on roads, in railway stations, airports, shops, restaurants, offices, schools, etc. In Part 8 again a candidate is to read one or two short texts (a notice, an advertisement, a note) and use the information to fill in a form. Again in Part 2 of Paper 3 Speaking the candidate is given a prompt card and, again, it includes an advertisement, a notice or another non-literary informative text.
- ⤴ Similarly, PET (“PET Information for Candidates”) in the first part of the reading paper requires candidates to understand signs, notices, labels or instructions. In Part 3 the candidates have to read and understand a longer factual text like a brochure, advertisement or website information. Listening papers include recorded messages or radio announcements.
- ⤴ First Certificate in English (“Cambridge English First Information for Candidates”) also contains longer newspaper articles to test reading comprehension and longer radio recordings to test the listening skill. Both PET and FCE require candidates to speak prompted by a picture.
- ⤴ Polish *gimnazjum* examination (“Information Booklet”) uses similar tasks, namely reading messages, signs, notices, advertisements (e.g. job offers) or instructions.

It is true that every examination provider wants the examination to test the skills that people need in everyday life and a good examination must reflect the contemporary problems and situations that the candidates might face in their real life. But paper constraints require examination providers to exclude video in favour of a photograph, and to reject TV in favour of a text. Thus, on the basis of the above, it seems that newspapers offer the most relevant materials to practice examination tasks and skills. Therefore, it is reasonable to use them.

### **3. Copyright and online materials**

Every country has its specific copyright law. The Author analysed the law of some English-speaking countries like the UK and Ireland, the US, Canada and Australia and New Zealand, in terms of copyright. The analysis also included the Polish Copyright Act. It appears from the analysis that copying an article, a photograph or an advertisement may be as illegal as

downloading music or films from the Internet, unless the license is granted by the author or the institution which holds the copyright. However there are exceptions called “fair dealing” or “fair use”.

The Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, also called the Information Society Directive or the InfoSoc Directive, “is a directive of the European Union enacted (...) to harmonise aspects of copyright law across Europe, such as copyright exceptions” (Copyright Directive 2001/29/EC). Article 5(3) of the Copyright Directive (2001/29/EC) allows EU Member States to recognize copyright exceptions to Article 2 on the reproduction right and Article 3 on the right of communication to the public in the following cases:

- ♣ illustration for teaching or scientific research, provided the author's name and source are given,
- ♣ uses for disabled people,
- ♣ current event reporting, provided the author's name and source are given,
- ♣ quotations for criticism or review, provided the author's name and source are given,
- ♣ for non-commercial research or private study.

According to Article 5(5), copyright exceptions may only be “applied in certain special cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the copyright holder” (Copyright Directive 2001).

The UK 1988 Copyright Designs and Patents Act is much more precise. It states that you may use the work of others if your use of the work is fair dealing or you have to be given permission by the copyright holder or a special license from the Copyright Licensing Agency (CLA) to copy extracts from print and digital publications or Educational recording Agency to use copyright protected material from radio and television programmes

(UK 1988 Copyright Designs and Patents Act)

Fair dealing is a term describing some activities which are allowed and do not infringe copyright. They are as follows:

- ♣ Research and private study if the copy is made for the purposes of research or private study, for non-commercial purposes, the source of the material is acknowledged and if the copies are not made for a number of people.
- ♣ Instruction or examination if the copying is done by the student or the instructor/ teacher, not via a reprographic process, not for commercial purposes

and the source of the material is acknowledged.

- ▲ Criticism or review provided that the work has been made available to the public, the material quoted is accompanied by some actual discussion or assessment, the amount quoted is no more than is necessary for the purpose of the review and the source of the material is acknowledged.

Hence, if one needs to make a single copy of a material from any newspaper for private study or research, for a non-commercial purpose, this may be possible under fair dealing. However, when copying cuttings, any alternations should not be made to the size or layout beyond what is reasonably required for educational purposes.

Ireland seems even more favourable to copying. In order to infringe the author's copyright, a "substantial" part of the work must have been copied. Thus, limited copying seems to be possible. A work may be used for research or private study or for criticism or review if the author's name and the title of the work are provided. It also includes the use of the work in examinations or the inclusion in a school anthology provided the passage is short (Copyright and Related Rights Act, 2000).

In New Zealand fair dealing includes some copying for private study, research, criticism, review, and news reporting. However, commercial research can still count as fair dealing in New Zealand. The factors determining whether copying for research or private study is judged to be fair dealing in New Zealand are its purpose, its effect on the market or market value of the work copied, the nature of the work, the amount copied in relation to the whole work, and whether or not the work could have been obtained in a reasonable time at an ordinary commercial price (Copyright Act, 1994).

The Canadian concept of fair dealing is similar to that in the UK. The fair dealing clauses of the Canadian Copyright Act allow users to engage in some activities relating to education, research, private study, criticism, review, or news reporting. With respect to criticism, review, and news reporting, the user must mention the source of the material and the name of the author, performer, maker, or broadcaster (Copyright Act R.S.C., 1985).

In Canada the use of copyright material for research or study must be evaluated individually to determine whether it is fair, similarly to the concept of fair use in the U.S. copyright law (Copyright Law of the USA, 2010). The evaluation criteria include the purpose, the type of work, the possibility of obtaining the work commercially in a reasonable time, the effect of the use on the potential market, or on its value, and how much of the work is copied. For example, the US university libraries are often asked to prepare materials for students (the

so-called course packs). They consist of extracts from journals, articles, chapters from books, considered necessary for the course completion. It has become common practice to prepare such course packs without asking copyright holders for permission. However, the court ruled that since such course packs are sold in the so-called copy shops, they cannot be treated as “fair use”. Hence, universities became more cautious. Course packs can be in either paper or digital format. If a course pack is in a digital format, the lecturer is its creator, and then he/she may copy an extract from another writer's work for the purpose of critical analysis. This is the so-called “citation right” for criticism and review (Cox. 2012).

In Poland Article 4(4) of the Copyright Act states that simple news items are not copyrighted, which means that one can copy short news from daily newspapers as they get out-dated quickly. Articles 27 and 29 state that educational institutions and universities can use generally available work for teaching and research purposes and copy the extracts of those works provided it is justified by instruction, critical analysis, teaching or the literary genre. However, if those extracts are part of course books or anthologies, the author is entitled to royalties. Article 34 states that one can use others' works provided that the source of the material and the name of the author is mentioned.

Here, it seems important to mention Creative Commons. Founded in 2001, Creative Commons (CC) is a non-profit organization which aims to facilitate legal sharing of creative works. The organization offers several types of copyright licenses which define the conditions on which others may use a work. These licenses allow copyright holders to set the conditions under which others may use the work. In this way the general public know if they may use the material and how, whether the copyright holder allows for his work to be adapted, whether someone may create a derivative work (e.g., a film from the novel) or whether the work may be used for commercial purposes (Creative Commons).

Sometimes the work has entered the public domain and can be used freely by anyone (Act of February 4, 1994). But the public domain does not mean public access on the Internet. If it is not known whether the work is covered by copyright or not, copying may violate the law unless it is “fair use”.

It may be concluded that the teacher is allowed to copy articles from the Internet newspapers and use them during the lesson, unedited unless the instruction requires it, and preferably without pictures accompanying them unless it is a sign or a notice generally available. Full scientific articles are not to be used but news items are permitted (and this is exactly what is required for teaching). Under the UK law, articles and news items can be

distributed in the digital format to the class. The Polish law forbids distribution to the class as long as students are not relatives or friends of the teacher. The teacher is allowed to use extracts from authentic materials (an article but not the whole newspaper issue), however, the copies must not be sold to students. Of course, the source and the name of the author of the article must be mentioned. The use of authentic material must be relevant to the subject, the explanation and instruction must be the teacher's own creation and CC licences must be observed.

What can be copied and distributed includes “a complete article, story, or essay if less than 2,500 words (...) or one chart, graph, diagram, drawing, cartoon, or picture per periodical issue. (...) As a general rule, a teacher has more freedom to copy from newspapers or other periodicals if copying is related to current events” (Copyright and Fair Use. Overview, 2012).

Thus, mock examinations and progress tests may be prepared on the basis of authentic materials taken from newspapers or magazines published in the UK or Ireland, where the law allows more than the law in Poland. Also special activities and lesson worksheets may be based on authentic materials.

#### **4. Implications for further teaching**

First, it must be decided what the teacher and the students need. It may be a train schedule, a picture of a road sign, a label, a diagram, a cartoon, a menu, a receipt, an advert or a longer article, or just a piece of news with a headline. Paul Emerson in his teaching tips presents some valuable activities which can be designed *ad hoc* (Emmerson, 2012). It is not even necessary to prepare and photocopy the hand-outs. Below there are some of his teaching tips:

If you have chosen an advertisement, a receipt, a diagram or a short article giving some statistics, “write up some figures taken from the text randomly on the board and ask the students to work in pairs to find the figures in the text, and then explain to each other what they refer to – using their own words where possible. When they finish, tell the students to turn over their papers so that they cannot look at the text. Point at the figures on the board and ask the students what they refer to” (Emmerson, 2012).

If you have chosen a short news item, “do a live True/False reading comprehension. Look through the text yourself and find an interesting fact. Paraphrase it in your own words, either accurately, or else changing some small detail so that it is not the same as what is in the text. Ask the students to scan the text to see if your statement is true or false” (Emmerson,



2012). It is excellent preparation to do the True/False task at the examination.

If you have chosen several short news items, “ask the students to write a one-sentence summary of each paragraph without using any of the main content words of the original paragraph” (Emmerson, 2012). Then write several headlines on the blackboard and ask the students to match the headlines with the texts.

If you have chosen several advertisements, e.g. job offers, ask your students to go through them and prepare the profile of the best candidate. Then give your students the situation outline and ask them to choose the best job offer for the person described.

If you have chosen several notices or signs, show them to your students and ask them where they can see them and what people can, must, should, or mustn't do (excellent preparation for the PET or *gimnazjum* examination, and a revision of modal verbs).

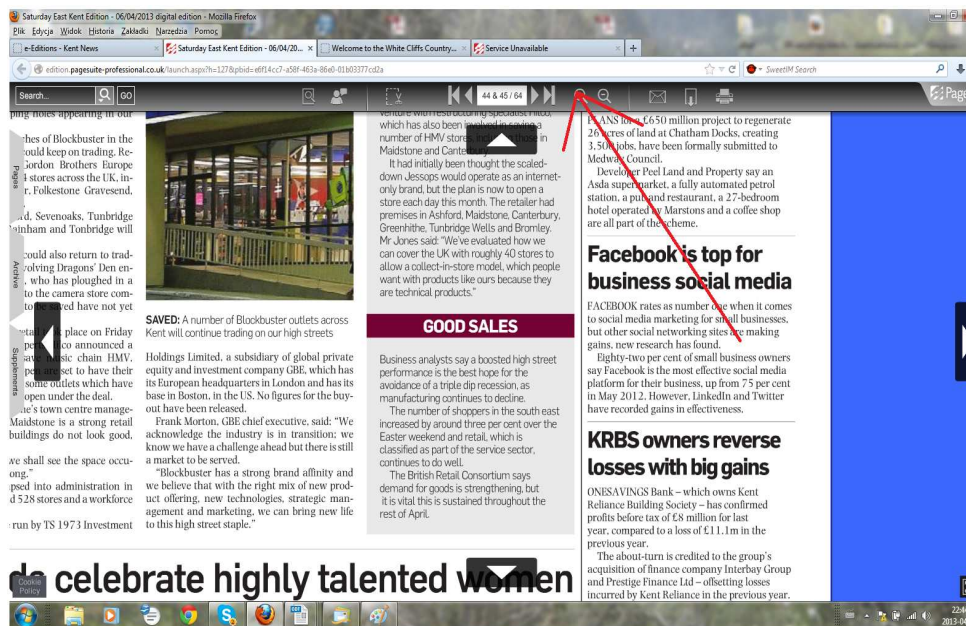
If you want to make your students speak on the basis of a picture prompt, show a picture from your own picture library (private photographs have to be neutral and it is always safer to use photographs of friends and relatives, of course with their permission granted), and ask them to describe the setting, the people, their feelings. It is a good idea to use while revising the vocabulary of hotels, restaurants, holiday places, houses or lifestyles.

It is not necessary to copy the material and distribute it to each student. The material can be shown via the projector in the JPEG or PDF format (you can enlarge the picture).

The same can be done to prepare a written task. The only problem is to design a proper instruction and questions.

Sample teacher-authored materials:

1. Find a digital version of a newspaper (e.g., <http://e-metro.co.uk>). It usually offers a possibility to enlarge. Press (+) to enlarge or double click on the page and press PrintScr to paste it into Paint.



2. Select a news item, choose a nice frame, press Copy and paste it into MS Word or Open Office. If the headline is not needed, paste it without the headline.

**FACEBOOK** rates as number one when it comes to social media marketing for small businesses, but other social networking sites are making gains, new research has found.

Eighty-two per cent of small business owners say Facebook is the most effective social media platform for their business, up from 75 per cent in May 2012. However, LinkedIn and Twitter have recorded gains in effectiveness.

3. In order to test Language Elements (grammar or vocabulary tasks at TELC examination), select or delete some words from the text.
4. In order to test reading comprehension (TELC B2, FCE or *gimnazjum* and *matura* examinations) and complete the text with parts of sentences, delete the sentences or the parts of sentences and paste them below the text.

## Facebook is top for business social media

FACEBOOK rates **1** number one when it comes to social media marketing for small businesses, **2** other social networking sites are making gains, new research **3** found.

Eighty-two per cent of small business owners say Facebook is the **4** effective social media platform for their business, up from 75 per cent in May 2012. However, LinkedIn and Twitter have recorded gains **5** effectiveness.

- A for
- B most
- C in
- D has
- E as
- F but
- G from

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- A have recorded gains in effectiveness.  
 B Facebook is the most effective social media  
 C when it comes to social media marketing

5. In order to prepare a True/False reading comprehension task (TELC, KET, PET or Polish state examinations), add statements, paraphrasing something correctly or changing a detail.

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Eighty-two per cent of small business owners say Facebook is the most effective social media platform for their business, up from 75 per cent in May 2012. However, LinkedIn and Twitter have recorded gains in effectiveness.

1. Facebook is the best social media marketing site for small firms.
2. Over 20% of small businesses said that Facebook is the most effective marketing platform.

In this way the teacher uses an authentic text which is familiar to students, as they are likely to use Facebook themselves. The news item is short, certainly less than 10% of the e-paper content. It can be used for instruction or examination skills practice; the teacher only adds the instruction or the task description, It can be used for review and discussion (e.g. *Is Facebook such an important invention?*) to elicit students' opinions; new vocabulary (*marketing, gain, up from*) can be taught or word-building (*effective, effectiveness*) practised. However, it is essential to include the source and the author, if known. The above cutting comes from

www.kentnews.co.uk (week ending April 7, 2013).

The signs and notices for KET, PET or *gimnazjum* examinations may be the teacher's own creations, however, it is really time-consuming to make them look authentic. It is easier to do some Google search and find examples like the ones below. The task requires a candidate to choose a sentence which best matches the message in the sign.



[© Copyright Directa (UK) Limited]

- a) If you park here you will have your car towed away.
- b) Parking here is not allowed.
- c) You can park your car here only if you pay a parking fee.



[© Copyright Directa (UK) Limited]

- a) You mustn't leave your bicycle here.
- b) Someone may steal your bike so lock it.
- c) Bicycles are not allowed to park here.



[© Copyright Directa (UK) Limited]


- a) This door is locked. You can't enter.
- b) You can push the door only if you work here.
- c) You must push the door to enter.



[© Copyright Directa (UK) Limited]

- a) Your dog mustn't run free here.
- b) If you make a fire in this place, you will pay 500 pounds.
- c) You can play with your dog here but you must have a plastic bag to collect your dog's poop.

Each of the pictures above is marked with the copyright information. In the above cases, the copyright holder allows using the content on the Web provided that the copyright information is displayed, the use is for non-commercial purposes and its content is not modified (which is exactly not the Author's intention).

The teacher certainly has more possibilities if the sign  (Creative Commons) is shown on the website. Pictures on <http://www.flickr.com> are easy to use as this website is a part of Creative Commons and it is not necessary to dig deep to check whether the picture may be copied.

Many teachers seem to infringe the copyright law. Facebook, Wordpress or any other community networks are full of materials posted by teachers to the students. However, as long as the teacher is cautious enough to refrain from copying course books or other creators' work and demanding money for compilations or exercises, the Internet can make our work easier and lessons more interesting for learners.

## 5. Conclusion

The Internet is a source of endless supply of authentic materials and the development and preparation of Internet-based materials is fairly minimal and undemanding in terms of technological expertise. Digitised materials also seem easy to distribute, store and adapt to the teacher's and students' needs. Moreover, students seem to prefer to be offered additional materials in a digital format.

Bearing in mind the abovementioned advantages of digital authentic materials and the ease and convenience in obtaining them, the teacher must be aware of the dangers of copying from the Internet, as it may mean copyright infringement. Unless the work copied is copyright-free (Public Domain or CC-licensed), the teacher must be careful while using other people's works. Copying is allowed if the material is used for teaching, instruction, review or literary criticism, which seems common to acts on copyright in some English-speaking countries (Fair Use). Nevertheless, it is vital to remember that they are common law countries and final decisions are case-based.

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