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Program on Information Justice and Intellectual Property

Media Literacy Education and Fair Use: Aufderheide and Jaszi Awarded MacArthur Foundation Grant

American University professors Patricia Aufderheide and Peter Jaszi, experts on fair use of copyrighted material, have received a \$600,000 grant from the John D. and Catherine T. MacArthur Foundation to tackle one of the thorniest issues in their professions: how can educators teach students how to analyze mass media without the threat of lawsuits and massive rights clearance costs every time an image, audio or video clip is used in class?

Aufderheide and Jaszi are two of three principal investigators on the project. Aufderheide is director of the Center for Social Media at AU's School of Communication, where she is also a professor specializing in the history and analysis of documentary film. Jaszi, a specialist in copyright law, is a professor at AU's Washington College of Law and Director of the Program on Information Justice and Intellectual Property. The third principal co-investigator, Renee Hobbs, directs Temple University's Media Education Lab in its School of Communications and Theater.

The grant will be used during the next three years to develop and distribute a code of best practices that reflects the emerging consensus among educators about the fair use of copyrighted material for media literacy education.

Without such a code, the researchers argue, educators and students may not be able to create teaching tools that use edited video of existing television shows or add voice-overs to them without fear of high licensing fees or cease-and-desist letters from lawyers.

Aufderheide and Jaszi worked closely with documentary filmmakers to develop a code of best practices for their fair use of copyrighted materials. As a result, documentary filmmakers have reduced crippling restrictions, such as having to pay for the rights to use the copyright-protected song "Happy Birthday" if it had been captured during the filming of a birthday party.

"We frankly were surprised by how quickly the industry adopted this code of practices and put it to work," said Aufderheide. "People have saved millions of dollars and made work that they would not have even dared to attempt before." Aufderheide expects that a code of practices for fair use in media literacy will similarly have a healthy effect both on creativity and on circulation of useful material in the marketplace.

After working with media literacy professional organizations to develop consensus about fair use, Aufderheide, Jaszi and Hobbs will draft a statement of best practices and conduct outreach efforts to maximize its use.

"We look forward to learning from and working with media literacy educators and with our notable colleague at Temple University," said Jaszi.

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