

Poll Question 1

How comfortable are you with copyright?

- A. Very comfortable - I'm a copyright wizard!
- B. Comfortable – I've answered a question or two about it.
- C. Not too comfortable – Copyright is confusing to me.
- D. Uncomfortable – Copy-what?

Poll Question 2

How comfortable are you with Creative Commons licenses?

- A. Very comfortable – CC-BY for life!
- B. Comfortable – I might need to look some things up, but I have experience.
- C. Not too comfortable – I've seen them before, but I've never used them.
- D. Uncomfortable – What is Creative Commons?

Poll Question 3

Are you familiar with how copyright applies to various types of media?

- A. Yes – video, audio, images, text, and more!
- B. Kinda – I mostly know about text, and a little bit about the others.
- C. No – I'll need help with all of them!

Using Copyrighted Works in Teaching

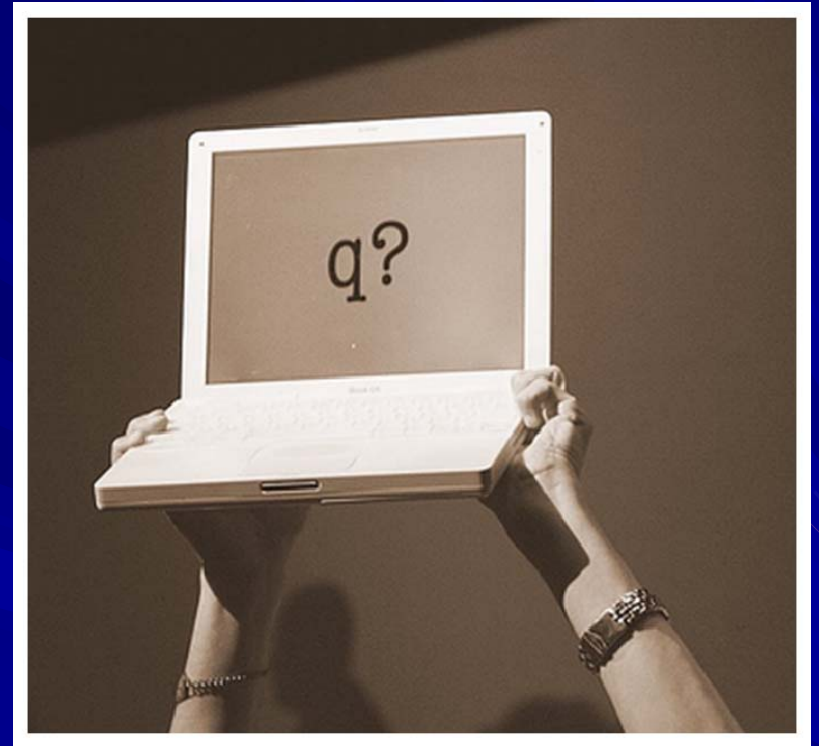
Christine Fruin, J.D., MSLIS

Scholarly Communications Librarian

George A. Smathers Libraries

Before Using Copyrighted Materials

1. Is the material copyrighted?
2. Does your proposed use of a copyrighted work fall within the fair use?
3. Is use of the material subject to a license agreement or terms of use (contract vs. copyright)



Questions? by Marcus Ramberg (Flickr.com CC-BY-NC)

What is Copyrighted?

- **PROTECTED** - Copyright protects original works that are fixed in any tangible medium of expression (e.g. books, articles, music, movies, software, photographs, etc.).
 - Copyright holder: bundle of rights including the right to copy and disseminate, to create derivative works, and to publicly display.
 - Several exceptions allowing use of copyrighted works without permission – e.g. Fair Use
- **NOT PROTECTED** –
 - Facts, ideas, raw data, works of the federal government
 - Works in the public domain – works for which copyright has expired
 - Cornell Public Domain Chart
(<http://copyright.cornell.edu/resources/publicdomain.cfm>)

Copyright: Exceptions for Teaching

Face to Face Teaching (§ 110(1))

- Allows performance or display, without permission, of copyrighted works during face-to-face instruction – movies and sound recordings only

TEACH Act (§ 110(2))

- Allows digital display and performance of copyrighted works without permission under very limited circumstances.
- TEACH Act does not apply to MOOCs

Fair Use (§ 107) – PREFERRED!

- Permits use and reproduction of copyrighted works where purpose of such use is criticism, comment, news reporting, scholarship, research, or education **and** where the balance of four separate factors weighs in favor of such use
- Fair Use applies to distance learning – limited application to MOOCs

Four Factors of Fair Use

Purpose and Character of the Use

- a) Educational vs. Commercial
- b) Transformative vs. Reproduction

**MOOCs – educational or commercial?

Nature of the Copyrighted Work

- a) Technical vs. Artistic
- b) Factual vs. Imaginative
- c) Published vs. Unpublished

Amount and Substantiality of the Portion Used

- a) Larger quantity than needed to meet pedagogical objective?
- b) Selection is not “heart of the matter”

Effect of the Use on the Market

- a) Ready market or license for the original?
- b) Avoiding payment of royalties?

**MOOCs openness viewed as negative effect upon market for assigned material

Copyright and Contracts



Digital or Electronic Resources (databases, e-journals, MP3s, streaming media) – License Agreement or Terms of Use controls how content may be used, **even if** proposed use is fair use.

Text Materials - Can I Use That?



Textual materials (book chapters, journal articles, poems, web site content)

Post-It by bookgr1 (Flickr.com CC BY-NC-ND)

1. Link to existing digital copy (e.g. content in licensed database) – Not available for MOOC participants if not affiliated with institution
2. Digitize and post electronic copy within bounds of fair use – RECOMMEND using Course Reserves
3. Seek permission if not fair use
4. Look for Creative Commons or Open Access materials

Video – Can I Use That?

- Digitization and streaming of DVDs
 - May create digital clips of films under DMCA exemption (shorter excerpts in MOOCs)
 - Terms of Use may restrict streaming
 - Licensing films for streaming - \$\$
- Use of subscription or pay-per-view streaming services (e.g. Netflix, Amazon, iTunes)
- You Tube – may not be “legal” content
- Licensed video databases



Apply fair use for streaming of audio to online classes.

Be aware of possible licensing restrictions with digital recordings

Locate copyright free audio works

- Creative Commons licensed audio works
 - <http://ccmixter.org>
 - <http://jamendo.com>
- Public Domain audio works
 - Library of Congress National Jukebox (<http://www.loc.gov/jukebox/>);
 - Musopen (<http://www.musopen.com/>)



Sound Recordings – audio cassettes, audio CDs, MP3s

Audio: Can I Use That?

Image source – legal copy?
Textbooks? License
restrictions?

Creative Commons search
<http://search.creativecommons.org>

Images: Can I Use
That?



Collage Sheet by Becky F. (Flickr.com CC-BY)

*Images – photographs, posters, art
prints*

Poll Question 1

After the presentation, do you feel more comfortable with copyright and open licensing?

A. Yes!

B. No!

C. Maybe...?

Poll Question 2

After the presentation, could you help a friend understand how to find open-licensed and public domain materials?

- A. Yes!
- B. No!
- C. Almost...

Chat Question

**What are your questions about
copyright?**

Thank You!