



Know Your Copy Rights

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Agenda

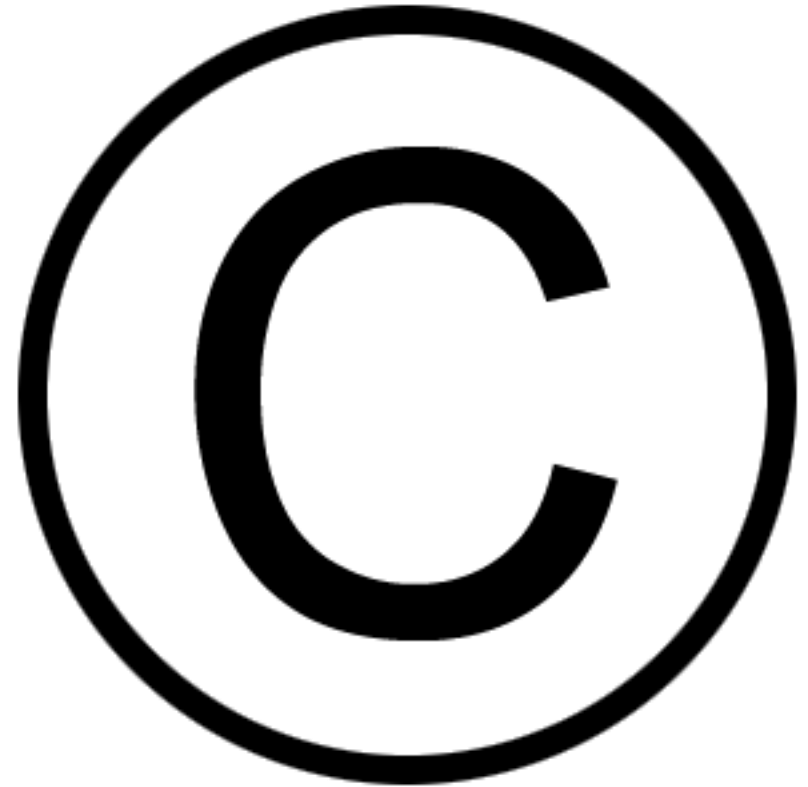
- Copyright Basics
- Making Copyrighted Material available to your students
 - Fair Use
 - TEACH Act
 - Felician University Libraries
- Creative Commons & Public Domain Materials
- Course Management Systems
 - Brightspace Best Practices

A photograph of a white rectangular slip of paper, likely a fortune cookie slip, centered against a dark, textured background. The slip has red text printed on it. The text consists of a smiley face emoji, the sentence "You would make a good lawyer.", another smiley face emoji, and a sequence of numbers: "39 44 38 25 1 22".

😊 You would make a good lawyer. 😊

39 44 38 25 1 22

What is Copyright?



We the People

of the United States, in order to form
a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure
the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

**To promote the Progress of Science and
useful Arts, by securing for limited Times
to Authors and Inventors the exclusive Right
to their respective Writings and Discoveries.**

Article 1, Section 8

The Constitution of the United States

The Basics

- Copyright is a limited **bundle of rights** that the government grants to authors
- These rights last for a limited amount of time
 - *Life of the author + 70 years or 120 years from date of creation for unpublished/works for hire*
- It is automatic, notice not required
- Applies to all creative works, fixed in tangible medium
- Authors often sell or license this right to larger copyright aggregators (publishers, movie studios, record labels).



Copyright owner has the exclusive right to:

- Reproduce (copy)
- Create derivative works
- Distribute
- Perform
- Display

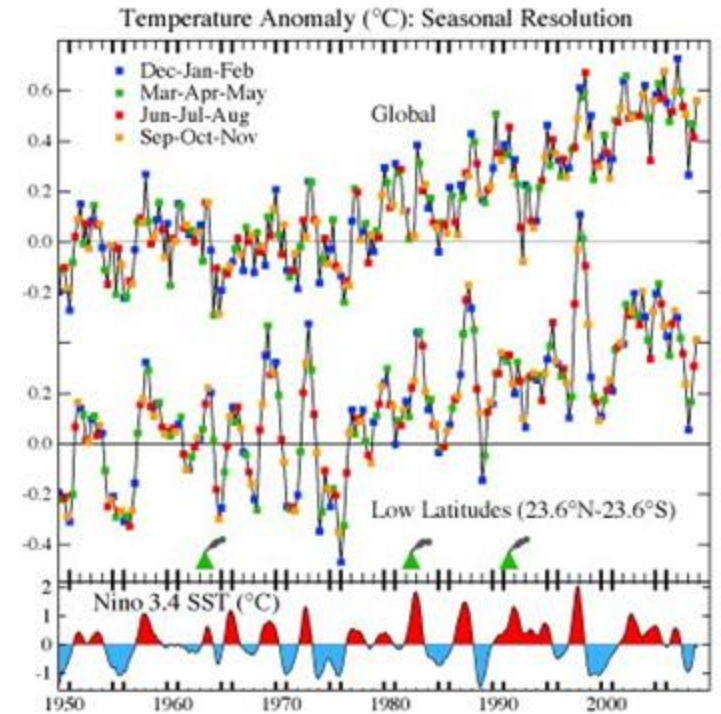
aka “the bundle”

What isn't copyrighted?



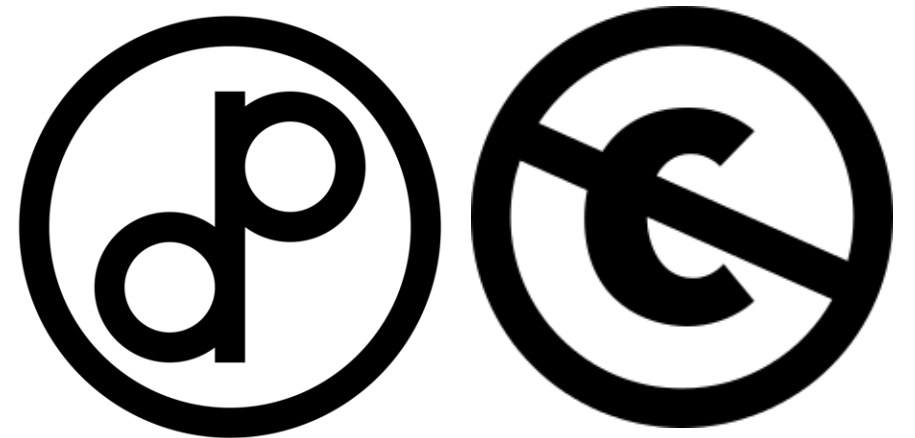
THE 9/11 COMMISSION REPORT

FINAL REPORT OF THE NATIONAL COMMISSION ON
TERRORIST ATTACKS UPON THE UNITED STATES



Public Domain Works

- The public domain consists of all works that **never had copyright protection** and works that **no longer have copyright protection**.
- All works in the public domain are free for the public to use.
- The public domain also includes most works created by the United States government.
- NOT Copyrighted
- US Govt & Pre-1927 works (& certain other works)
- You are free to:
 - Exhibit materials in a live classroom
 - Post to your online class
 - Distribute readings
 - Create electronic reserves



Public domain is tricky! Before 1/1/1927 or....

Works Registered or First Published in the U.S.

Date of Publication ⁶	Conditions ⁷	Copyright Term ³
Before 1927	None	None. In the public domain due to copyright expiration
1927 through 1977	Published without a copyright notice	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, and without subsequent registration within 5 years	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, but with subsequent registration within 5 years	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
1927 through 1963	Published with notice but copyright was not renewed ⁸	None. In the public domain due to copyright expiration
1927 through 1963	Published with notice and the copyright was renewed ⁸	95 years after publication date

More Info from Cornell University Library: <https://guides.library.cornell.edu/copyright/publicdomain>

Copyrightable:

- Literary, musical and dramatic works.
- Pantomimes and choreographic works.
- Pictorial, graphic and sculptural works.
- Sound recordings.
- Motion pictures and other AV works.
- Computer programs.
- Compilations of works and derivative works.
- Architectural works.



Not Copyrightable:

- Ideas, procedures, methods, systems, and processes.
- Titles, names, short phrases, and slogans.
- Facts, news, and research.
- Works in the public domain.
- Works that are not fixed in a tangible medium of expression.

Review the Basics

The Bundle of Rights

1. To reproduce the work.
2. To distribute the work.
3. To create derivative works.
4. To publicly perform the work.
5. To publicly display the work.
6. To publicly perform sound recordings by means of a digital audio transmission.

Basics

- All creative works (even a tiny, tiny smidge of creativity)
- Automatic - no registration or notice required
- Is a bundle of exclusive rights owned by the creator
- Lasts a looooooong time
- Facts, ideas, works of the Federal government aren't copyrightable

Can I use this copyrighted work?

Do I have permission use it?

Is there an exception that would
allow me to use it?

Fair Use

- Fair use **allows certain uses of copyrighted works**, such as making and distributing copies of protected material, **without permission**.

Definition of *fair use*

: a legal doctrine that portions of copyrighted materials may be used without permission of the copyright owner provided the use is fair and reasonable, does not substantially impair the value of the materials, and does not curtail the profits reasonably expected by the owner

Fair use. (2019). In *Merriam-Webster.com*.

Retrieved from <https://www.merriam-webster.com/dictionary/fair%20use>

Fair Use Facts

- Fair use is intentionally open and flexible
- Fair use may apply to a variety of purposes
- There are **four fair use factors** to consider to determine if fair use applies
- The ultimate determinant of fair use is a judge in a court of law
- Fair use applies to all users and both for - and nonprofit situations

Copyrightlaws.com. (2019). A simple guide to fair use: how to apply fair use to your copyright scenarios.

Retrieved from <https://www.copyrightlaws.com/simple-guide-fair-use/>

Fair Use Factors

- 1. The purpose and character of your use.**

Example: Support of nonprofit education

- 2. The nature of the copyrighted work.**

Example: Factual vs. Creative works

- 3. The amount and substantiality of the portion taken, and.**

Example: One chapter or 10% of a book (whichever is greater), One article or 10% of a journal issue (whichever is greater)

- 4. The effect of the use upon the potential market.**

Example: Access to electronic content in course is restricted to students enrolled in the course and is terminated at the end of the course

*See link in References: *Fair Use FAQ for Professors*

MISCONCEPTION

FAIR USE CAN BE DETERMINED BY A CHECKLIST

REALITY

ALTHOUGH COURTS WILL ANALYZE 4 FACTORS*

FAIR USE IS A

HIGHLY SUBJECTIVE

DETERMINATION



* PURPOSE
NATURE
AMOUNT
\$ IMPACT

Fair Use Take Aways

- No single factor is determinative
- There are no amounts that are always fair (or unfair)
- Fair use is *ALWAYS* decided on a case-by-case basis
- It is an important part of the law, designed to protect the public interest

Exemption #1: Classroom Exception § 110(1)

- Allows **performance or display** of protected material in a **face-to-face** teaching setting.
- Must be **in a classroom** and at a **non-profit educational** institution.
- Performance and display in the classroom must employ a **legally obtained** copy (including borrowed copies) – no “bootleg” copies allowed.
- Does NOT allow copying. This is an exception to the exclusive rights of performance and display, but not the right of reproduction.
- If this exemption doesn't seem to apply, **try Fair Use**.

Exemption #2: “Transmission” to Students § 110(2) *TEACH Act*

- Allows digital copies in course management systems under a specific set of conditions.

Copyrighted Works: What You **Can** Do

	Exhibit in a live classroom?	Post to Brightspace?	Distribute Readings?	Create E-Reserves?
Your Own Works	Yes	Yes	Yes	Yes
Open Access Works	Yes	Link	Link	Link
Electronic Works Licensed by Your Institution	Yes	Link	Link*	Link
Electronic Works with a Creative Commons License	Yes	Yes	Yes	Yes
Other Works	Yes	Yes*	Yes*	Yes*

This chart is © 2007 Association of Research Libraries (ARL) and is available for re-use under a **Creative Commons Attribution-NonCommercial 2.5 License** (creativecommons.org/licenses/by-nc/2.5/).

How is it different from using proper attribution and avoiding plagiarism?

- Copyright is much broader than the norms against plagiarism.
- Plagiarism is the presentation of someone else's work as one's own; **copyright infringement can take place even where the user is honest about the work's true author.**
- Unless your use satisfies one of the exceptions or limitations described in the Copyright Act, you cannot use copyright protected material without permission.
- **Fair use** is one of the most important limitations to copyright.

Copyright & Fair Use Scenarios

- A professor copies one article from a periodical for distribution to the class. Fair Use?
- **Yes**
- A professor has posted his class notes on a web page available to the public. He wants to scan an article from a copyrighted journal and add it to his web page. Fair Use?
- **No**

Copyright & Fair Use Scenarios

- A professor wishes to use a textbook he considers to be too expensive. He makes copies of the book for the class.
- **No**
- A professor decides to make three copies of a textbook and place them on reserve in the library for the class.
- **No**
- A teacher copies a Shakespearian play from a copyrighted anthology.
- **Yes**

Copyright & Fair Use Scenarios

- A professor wishes to make a copy of an article from a copyrighted periodical for her files to use later.
- **Yes**
- A professor wants to add a book chapter to the library's electronic reserve system.
- **Yes**

California State University Long Beach. (2019). Copyright & Fair Use: Common Scenarios. Retrieved from <https://csulb.libguides.com/copyrightforfaculty/scenarios>

TEACH Act

- On November 2, 2002, the **Technology Education and Copyright Harmonization Act** (TEACH Act) was signed into law.
- This act provides guidelines as to what uses are and are not fair uses with respect to copyrighted materials and the use of such in online instructional programs.
- TEACH is an effort to more clearly define how digital works may be used in online education.

*See Handout Linked in References Slide: ***TEACH Act Checklist***

TEACH Act

- The TEACH Act made copyright laws regarding distance learning closer to the laws provided for face-to-face classrooms though there are still important differences (especially regarding full-length audiovisual works, such as movies and documentaries). Some of these benefits include:
 - Instructors may use a wider range of works in distance learning environments.
 - Students may participate in distance learning sessions from virtually any location
 - Participants enjoy greater latitude when it comes to storing, copying and digitizing materials.

TEACH Act Notice

All materials displayed under the TEACH Act must contain the following notice:

The materials found in this course are only for the use of students enrolled in this course for purposes associated with this course and may not be retained or further disseminated. The materials in this course may be protected by copyright; and further use of this material may be in violation of federal copyright law.

Where to Begin?

1. Is this **work protected** by copyright?
2. Is there a **specific exception** in copyright law that covers my use?
3. Is there **a license** that covers my use?
4. Does my use qualify as “**Fair Use**”?
5. Do I need to seek permission from the copyright holder, or can I **find an open access option**?

**Don't forget you can always ask a Librarian!*

Felician University Libraries

- Course Reserves & E-Reserves
 - [Library Website](#)
 - *E-Reserve Limitations: 1 chapter per book, per semester; 1 article per journal, per semester; a total of 25 items, per semester.*
 - **Fair Use Checklist** Included
- Link to resources for which the library has paid
- Contact your Librarian
 - Email colea@Felician.edu
 - Call the Library 201-559-6071
 - Schedule a virtual or in person copyright consultation

Traditional Copyright

Work cannot be used, adapted, copied, or published without the creator's permission

What does it apply to?

All original work is protected under copyright when it's created.

Creative Commons

Work may be used without permission, but only under certain circumstances.

...

Creators set rules for the way their work is used.



What does it apply to?

Only work that creators have chosen to designate as Creative Commons.

Public Domain

Work can be used, adapted, copied, and published, completely without restrictions, no permission needed.

What does it apply to?

Work published prior to 1923, work by long-dead creators, and work that creators have placed in the Public Domain.

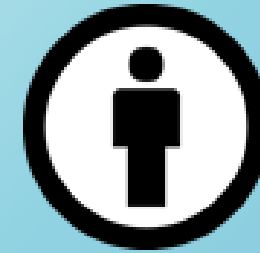
Creative Commons

- Creative Commons works are published with a license that specifies what you can do with them.
- You can use them **without permission and without any charge**, but you must follow other specified restrictions depending on the license – “some rights reserved”.
- CC0 is the "no copyright reserved" license option - it effectively means relinquishing all copyright and similar rights that you hold in a work and dedicating those rights to the public domain. Equivalent to Public Domain.



Creative Commons

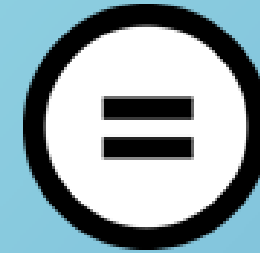
- Although **Creative Commons** content won't cost you any money to access or use, it's not totally free.
- To use it, you must follow certain **rules**.
 - Learn more at www.creativecommons.org
- People who choose to make their content Creative Commons can choose **one or more** of these **licenses** to apply to their work.



Attribution



Non Commercial



No Derivative Works



Share Alike



Know Your Copy Rights

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a [Creative Commons Attribution-NonCommercial 4.0
International License](https://creativecommons.org/licenses/by-nc/4.0/).

Icon	Description	Shortening	Attribution Required	Allows Remix culture	Allows commercial use	Allows Free Cultural Works	Meets the OKI 'Open Definition'
	Freeing content globally without restrictions	CC0	No	Yes	Yes	Yes	Yes
	Attribution alone	BY	Yes	Yes	Yes	Yes	Yes
	Attribution + ShareAlike	BY-SA	Yes	Yes	Yes	Yes	Yes
	Attribution + Noncommercial	BY-NC	Yes	Yes	No	No	No
	Attribution + Noncommercial + ShareAlike	BY-NC-SA	Yes	Yes	No	No	No
	Attribution + NoDerivatives	BY-ND	Yes	No	Yes	No	No
	Attribution + Noncommercial + NoDerivatives	BY-NC-ND	Yes	No	No	No	No

Brightspace Best Practices

- **Online Doesn't Mean "Free"**
 - Simply because content is placed online in a course management system does not mean it is free from copyright protection.
 - Unless fair use or another exception applies, *make sure you have permission before posting content.*
- **Limit course materials to small excerpts**
 - Most experts advise using a single article or chapter, or less, of a copyrighted work, but even brief excerpts must be viewed in the overall context of other readings offered for a course.

Brightspace Best Practices

- **Utilize **Open Access** materials**
- **Article links**
 - Providing a link to the content in an online database subscribed to by the institution's library is allowed under copyright law provided the user is a current member of the institution.
- **Get permission before posting**
- **Passwords are a good start**
 - Restricting access to copyrighted content in course management systems through passwords or other authentication measures is a helpful, good-faith practice because rightsholders typically grant permission and charge fees based on the number of students enrolled in a course.

Brightspace Best Practices

- **Know what you've paid for**
 - Reuse rights included in subscriptions vary greatly by publisher.
 - Supplemental materials are often included with purchase of a textbook.
- **Reuse rights included in subscriptions vary greatly by publisher**
- **Remove expired course materials promptly**
 - Permission may have been granted for a specific period of time.
 - Review and update course materials regularly.
- **Include copyright notices**
 - Materials posted in a course management system should contain **both the copyright notice from, and a complete citation to, the original material, as well as a clear caution against further electronic distribution.**

Article Links from FUL Databases

- Embedding links to copyrighted library e-resources into Brightspace
- Permissions for the use of materials in library databases and e-resources by individuals have already been obtained by the database or e-resource vendor
- Obtain Permalink from database article record
 - Make sure link includes Felician Prefix so that students can authenticate – not all URLs will include this.
 - Prefix: <https://felician.idm.oclc.org/login?url=>

Searching: Academic Search Premier | Choose Databases

open educational resources

Search

Basic Search Advanced Search Search History

Record

Text (552KB)

is Database

Results Searching.

Result List Refine Search 1 of 506

Permalink

https://felician.idm.oclc.org/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=149497737&s

Implementing open educational resources in digital education.

Authors: [Tang, Hengtao](#)¹ (AUTHOR) htang@mailbox.sc.edu

Source: [Educational Technology Research & Development](#). Feb2021, Vol. 69 Issue 1, p389-392. 4p.

Document Type: Article

Subject Terms: [*EDUCATIONAL resources](#)
[*COVID-19 pandemic](#)
[*ELECTRONIC textbooks](#)
[*ELECTRONIC publications](#)
[*COLLEGE students](#)
[*COVID-19](#)

Author-Supplied Keywords: [Digital education](#)
[Efficacy](#)
[Open educational resources](#)
[Openness](#)

Tools

- Google Drive
- Add to folder
- Print
- E-mail
- Save
- Cite
- Export
- Create Note
- Permalink**
- Listen
- Translate



Questions?

Alison Cole, MSLIS

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Outreach Librarian*

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Rutherford Campus Library

That was a lot! Remember, you can reach out at any time for assistance!

- I can help you:
 - Find CC Licensed Open Educational Materials (OER) for your course
 - Find Openly Licensed Textbooks (textbooks with a CC license)
 - Get permalinks
 - Find library subscribed materials for your courses
 - Navigate the Four Fair Use Factors
 - Answer your copyright questions
 - Help you create attribution statements
 - Find openly licensed images/video
 - Find Open Access resources for your research
 - Answer questions about Library Reserves & eReserves
 - Instruct you and your students on finding and citing materials
 - And More!

Resources & Further Reading

- [Academic & Educational Permissions](#)
- [Best Practices for Attribution](#)
- [Brief Guide to TEACH Act](#)
- [Charts & Tools](#)
- [Code of Best Practices in Fair Use for Academic & Research Libraries](#)
- [Copyright Crash Course](#)
- [Copyright & Fair Use](#)
- [Course Management Systems: Guidelines and Best Practices](#)

Resources & Further Reading

- [Fair Use Charts & Tools – Stanford University Libraries](#)
- [*Fair Use Checklist](#)
- [*Fair Use: FAQ for Professors](#)
- [FairUseWeek.org](#)
- [FUL Guide](#)
- [*Know Your Copy Rights Handout](#)
- Slides 3, 4, 5, 7, 8, & 17 adopted from [Copyright for Complete Beginners](#) by Rachel Bridgewater under CC BY 4.0
- [*TEACH Act Checklist](#)
- [Tutorial: Use Information Correctly](#)

More Resources

General:

- [PCC Copyright Guide](#)
- [Copyright First Responders Pacific Northwest](#)
- [Open Oregon Educational Resources](#)

Public Domain:

- [Copyright at Cornell Libraries](#)
- [The Slider](#)

Fair Use:

- [Best Practices in Fair Use for OER](#)
- [Open Oregon Fair Use FAQ](#)

Creative Commons licenses:

- [Open Washington Attribution Builder](#)
- [Creative Commons license chooser](#)
- [Best practices for attribution](#)