



COPYRIGHT OR COPYWRONG?

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JUST TO WHET YOUR APPETITE!



Question # 1

Can the instructor copy the play for educational use?

Question #2

Can the instructor incorporate both the play and image in the lesson?

AGENDA



- Introductions
- Why Learn About Copyright?
- What is Copyright Law?
- What is Public Domain?
- What are Fair Use and Multimedia Guidelines?
- What is The TEACH Act?
- What are Strategies for Distance Education?
- What is 'Creative Commons'?
- What is the Digital Millennium Copyright Act?
- Copyright Resources
- Q&A
- Participant Survey!





WHY LEARN ABOUT COPYRIGHT?



1. Educators (and everyone!) have an obligation to act lawfully and ethically & must be informed to do so.
2. Copyright infringement can lead to both **institutional and personal liability**. Materials may not be used that have been acquired or accessed unlawfully.
3. If a copyright infringement is determined, a court of law will examine whether every effort was made to comply with copyright law and legal exemptions.
4. In an electronic environment (e.g., distance education, instructor's website), multiple copies of files could be made beyond the instructor. This is easier to detect but more difficult to correct.
5. Modeling professionalism (to students) is another dimension of an educator's role.



WHAT IS COPYRIGHT LAW?

- Federal legislation; overhauled in 1976.
- Exclusive right of a creator to reproduce, prepare derivative works, distribute, perform, display, sell, lend, or rent their creations.
- Legal mechanism to control access and use of works (“**Intellectual Property**”) created by others and a means to protect their livelihoods (payment for efforts).
- Author is the copyright owner; copyrights can be transferred (e.g., to a publisher).
- Copyright protection is *automatic* when intellectual property is created, regardless of whether a © notice appears on the work or whether work is registered.





INTELLECTUAL PROPERTY

Includes:

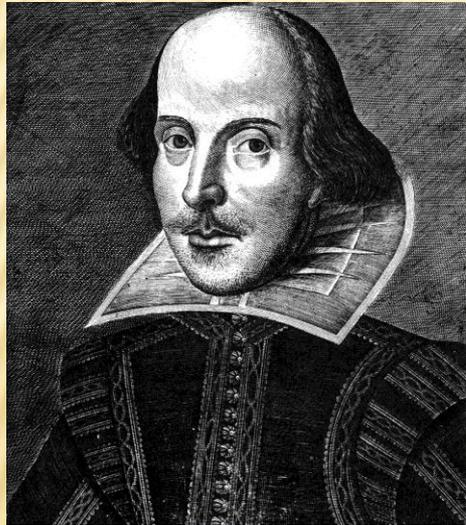
	Written Works
	Dramatic Works
	Musical Works
	Visual Arts
	Videos



WHAT IS PUBLIC DOMAIN?

- Work created by others that is no longer under copyright protection.

Examples:



- Works of the Government (federal, state, local).
- Facts or other non-protectable work.
- Copyright has expired (rules vary considerably)
 - life of author + 70 years; after 95 years; after 120 years, - but generally works created prior to 1923 are in public domain.

- Works in the public domain may be used without permission of the former copyright owner.

Want to know more? Please visit Cornell University's "[Copyright Term and the Public Domain in the United States](http://copyright.cornell.edu/resources/publicdomain.cfm)" webpage (<http://copyright.cornell.edu/resources/publicdomain.cfm>).



WHAT IS FAIR USE?



- Section 107 of Copyright law, 1976.
- Unlike Copyright which is a *law*, Fair Use is a *guideline* that is subject to scrutiny and interpretation.
- Allows the use of *portions* of copyrighted works and materials for educational purposes following certain guidelines.
- Pertains primarily to **Face-2-Face** instruction.
- **Academic Freedom** *does not* supersede Copyright law and must comply within Fair Use guidelines.



FOUR GUIDELINES THAT DETERMINE FAIR USE

1. “Purpose and character” of use.

Favorable: non-profit educational use; critical to meet instructional objectives in F2F class; teaching, research, scholarship, criticism, comment; and ‘transformative’ use.

Not Favorable: for-profit; commercial, entertainment or other use; verbatim or exact copy, not transformative; not critical to instructional objectives.

2. “Nature” of copyrighted work.

Favorable: published factual, non-fiction, news, or non-dramatic copyrighted work.

Not Favorable: highly creative or consumable works (e.g., art, music, feature film, fiction, drama); unpublished work.

3. “Amount” of portion used.

Favorable: a small portion of work (e.g., single chapter or journal article, video/audio clip, thumbnail) AND not the “heart of the work.”

Not Favorable: large portion or entire works and/or portion used is heart of the work.

4. “Effect” on potential market or value of the copyrighted work.

Favorable: not reasonably available for purchase, licensing, or obtaining permission; no significant effect on the (potential) market; one or few copies made or distributed; restricted access (class only); one-time spontaneous use.

Not Favorable: reasonably available for purchase, licensing, or obtaining permission; cumulative effect of copying would substitute purchasing work; numerous copies made or distributed; repeated long-term use.



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Not Favorable: for-profit; commercial, entertainment or other use; verbatim or exact copy, not transformative; not critical to instructional objectives.

2. “Nature” of the copyrighted work.

Favorable:

Not Favorable: (e.g., drama);

work.

film, fiction,

Goal is to meet **ALL 4** guidelines!

3. “Amount” of the work.

Favorable: a small portion of work (e.g., single chapter or journal article, video/audio clip, thumbnail) AND not the “heart of the work.”

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GUIDELINES ON “AMOUNT”

Multimedia Guidelines for educational purposes as per the **Conference on Fair Use (CONFU)**, 1998

Print Material	Images	Video	Audio/Music
<p>If instructor is making copies for distribution:</p> <ul style="list-style-type: none">• Poem < than 250 words; 250-word excerpt of poem > than 250 words.• Excerpt from a longer work; 10% of work or 1,000 words, whichever is less.	<p>If instructor is making copies for distribution:</p> <ul style="list-style-type: none">• Single works in their entirety, but no > than 5 images by one artist or photographer.• From a collection, no > than 15 images or 10% (whichever is less).	<p>If instructor is producing a video work:</p> <ul style="list-style-type: none">• 10% or 3 minutes (whichever is less) of copyrighted motion media.• Multimedia program must have an educational use. <p>Video in its entirety may be shown in class if it's critical to learning objectives.</p>	<p>If instructor is producing an audio work or copies for distribution:</p> <ul style="list-style-type: none">• 10% or 30 seconds (whichever is less) of a musical composition.• No alteration of music and lyrics. <p>Audio/music in its entirety may be played in class if it's critical to learning objectives.</p>

Want more information? Please visit Columbia University's [Major Fair Use Guidelines](http://copyright.columbia.edu/copyright/fair-use/guidelines/) webpage (<http://copyright.columbia.edu/copyright/fair-use/guidelines/>).



WHAT IS 'THE TEACH ACT'?

- Technology, Education, and Copyright Harmonization Act of 2002.
- Permits the inclusion of certain copyright-protected materials in *distance courses* (e.g., online, hybrid) in accredited nonprofit educational institutions *without permission* from the copyright owner or payment of royalties.
- Prevents digitizing content from entire texts or text supplements (e.g., for student accommodations).
- TEACH Act does NOT replace/overrule Fair Use.





WHAT IS 'THE TEACH ACT'?

- Allows performances of *all* nondramatic literary (e.g., poetry, short story) and musical works (e.g., musicals).
- Allows performances of other works such as *dramatic* and *audio/visual “clips”* (e.g., film, video, opera, music video) in ‘*reasonable and limited portions.*’
- Allows displays of *any work* in amounts comparable to a live classroom session (e.g., graphic image, slide, photo, still frame).
- Allows analog into digital format transfer of “clips” (e.g., VHS to digital). Digitized version must be password protected.



But Alas, there are numerous exceptions and conditions. For example . . .



WHAT IS 'THE TEACH ACT'?

Requirement: *"Mediated Instructional Activities"*:

- Instructor has a direct role in facilitating the use of the "work" in the distance education course.
- Limited to same kinds of materials that would be used during a F-2-F class (i.e., not for outside of class) and directly related to instructional topic.
- Access is limited to enrolled students in the course in a secured server (password protected) such as ANGEL.
- A/V transmission must be encrypted and/or password protected.
- Cannot retain copies past the class session.





STRATEGIES FOR DISTANCE EDUCATION



- Use **public domain** materials.
- Obtain **licensing/permission** for copyrighted materials ([Copyright Clearance Center](#)).
- Rely on **Fair Use** (4 guidelines with multimedia guidelines) and **THE TEACH Act**.
- If licensed, consider **video streaming**.
- **Link to websites** instead of downloading and copying materials into the course.
- MCCC [Electronic Databases](#) (e.g., AP Photo Archives, EBSCOhost, ProQuest, etc.).
- MCCC Library [eReserves](#).
- **Free materials** including **Creative Commons**



CREATIVE COMMONS (~ OPEN SOURCE)

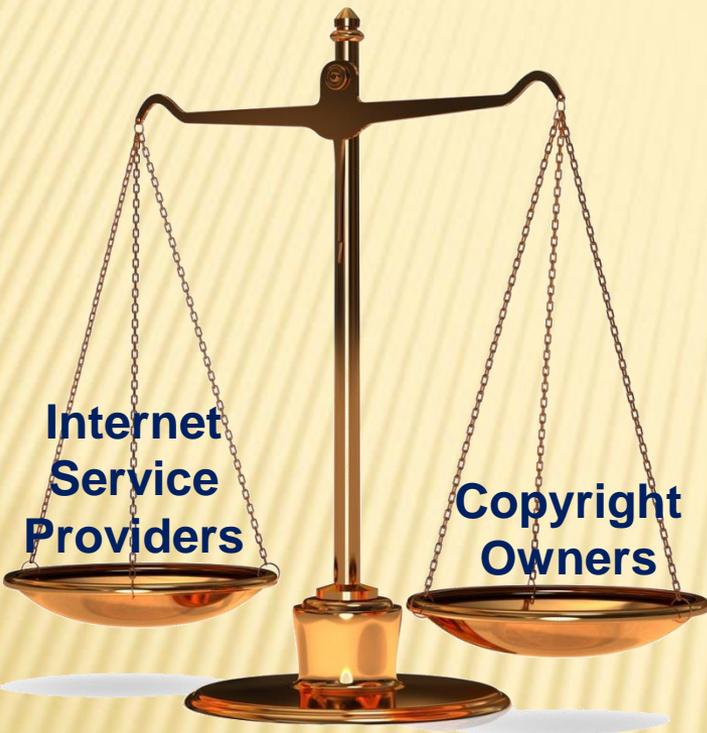


- Creative Commons is a nonprofit corporation dedicated to making it easier for people to share and build upon the work of others, consistent with the rules of copyright.
- Provides **free** licenses and other legal tools to **mark** creative work with the freedom the creator wants it to carry, so others can share, remix, use commercially, or any combination thereof.

Want more information on the licenses? Please visit the [Creative Commons website](http://creativecommons.org/about/what-is-cc) (<http://creativecommons.org/about/what-is-cc>)



DIGITAL MILLENNIUM COPYRIGHT ACT



- The Digital Millennium Copyright Act ("DMCA") 1998 balances interests of Internet service providers and copyright owners when copyright infringement occurs in the digital environment by users.
- The DMCA protects Internet service providers from liability for copyright infringement by their users.



DIGITAL MILLENNIUM COPYRIGHT ACT



How does the DMCA affect college educators?

Example:

Instructors may want to use a clip from a DVD to illustrate a concept in a F2F or distance course. This requires “ripping” a DVD (i.e., cracking copyright detection devices) to copy small segments for educational purposes.

Up until July 2010, this was *illegal!*

New exemptions . . .



DIGITAL MILLENNIUM COPYRIGHT ACT

Effective July 2010, exceptions to DMCA :

- **Motion pictures on DVDs** that are lawfully made and acquired may incorporate short portions of motion pictures into new works (transformation) for the purpose of criticism or comment, in the following instances:
 - (i) Educational uses by college and university professors and by college and university film and media studies students
 - (ii) Documentary filmmaking
 - (iii) Noncommercial videos
- **Literary works distributed in eBook format** may be reformatted to provide read aloud or screen-reader access for students with accommodations.

For additional information, please visit the Librarian of Congress Statement:

<http://www.copyright.gov/1201/2010/Librarian-of-Congress-1201-Statement.html>





COPYRIGHT RESOURCES

- Today's PowerPoint presentation (printed & electronic).
http://www.mccc.edu/~virtcoll/DVK/copyright/IPIC_copyright_final.pdf
- “Copyright Compliance Made Simple: Six Rules for Course Design” http://www.mccc.edu/pdf/copyright_compliance_final.pdf
- [Copyright Information/Resources](http://www.delicious.com/dkreiger/copyright_information) on Delicious:
http://www.delicious.com/dkreiger/copyright_information
- [Free Materials on the Web](http://www.delicious.com/dkreiger/copyright_free) on Delicious:
http://www.delicious.com/dkreiger/copyright_free

Here you can access a wealth of free materials on the Web (e.g., graphic images & photos, music/audio, video, digital repositories, etc.) that instructors (and their students) may use in a course. Check them out!

Important! Educators (and students): please give **proper attribution** when using copyrighted works in F2F and distance courses for printed, electronic, *and* multimedia materials.



SELF-CHECK: DO YOU GET IT?!

Final Question

Can the Nursing instructor take video clips from a CD and show them to her online class through the college's streaming video server?

ANY QUESTIONS?



Image source: Shutterstock images, <http://www.shutterstock.com>



CREDITS

- Patrick Woessner's presentation on "[Copyright, Public Domain, Fair Use, and Creative Commons](#)" on Slideshare.
- University of St. Francis's "[A Visit to Copyright Bay.](#)"
- Columbia University's Libraries [Copyright Advisory](#) Office
- [Shutterstock images](#) at shutterstock.com
- [Copyright Information/Resources](#) – compiled resources on the Web!



THANK YOU!

*Please take a moment to complete the survey.
We appreciate your comments!*

