



Copyright Do's and Don'ts



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Introductions



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Roadmap

- What is Copyright?
- Audio Recordings
- Public Domain
- Creative Commons Licenses
- Library Resources
- Fair Use
- Library Course Reserves
- Case Studies
- Additional Resources



Types of Materials/Topics

- Text
- Images
- Audio
- Visual
- Multimedia
- Public Domain
- Creative Commons
- Copyrighted works



What is Copyright?

Set of rights protecting “original works of authorship that are fixed in a tangible form of expression.”

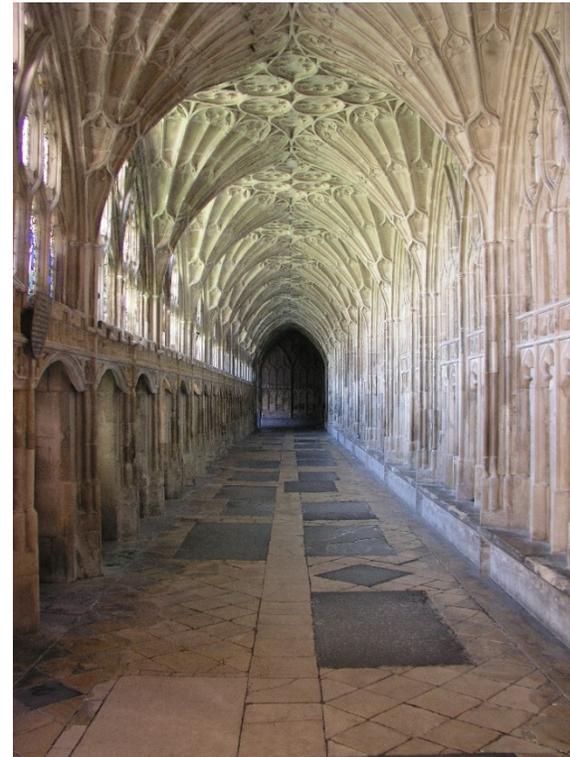
Title 17, U.S. Code



Author's Basic 5 Rights

1. Right to reproduce
2. Right to prepare derivative works
3. Right to distribute
4. Right to display publicly
5. Right to perform publicly

Copyright is automatic.



© Elizabeth La Beaud



How long does copyright last?

It Depends...

Life of the author + 70 years

What happens for that 70 years? Your estate or heirs inherit your rights.

If the author or death date is unknown, 120 years from date of creation.



Audio Recordings

- Two separate components of a single recording of music
 - composition
 - sound recording

Musical composition includes

- music and any accompanying words or lyrics.
- Can be in the form of a notated copy or sound recording.
- Author would be the composer and lyricist.

Sound recording is the fixation of series of musical, spoken or other sounds into a medium that can be played back.

- Author is the performer(s) whose performance is fixed and the producer/engineer processing and “fixing” the sounds.



Audio Recordings

- Copyright of sound recording not the same as, or a substitute for, copyright of underlying musical composition.
- In most cases permission must be obtained from both the owner of the musical work and the owner of the sound recording before a sound recording of the musical work may be used.



Public Domain

- Works not under copyright protection
- Anyone can use, no one can own
- Can be modified, copied, or adapted
- Should still be cited if not the author's original work
 - PD works aren't subject to copyright infringement, but they can still be plagiarized!
- Individual items in PD aren't copyright protected, but some collections of PD items as a whole can be copyrighted.



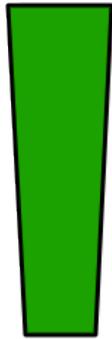
Mathias Appel, "Red Panda." Public Domain. Accessed from

<https://www.flickr.com/photos/mathiasappel/24479644035/in/pool-publicdomain/>



Creative Commons Licenses

MOST OPEN



CC0



BY



BY



SA



BY



ND



BY



NC



BY



NC



SA



BY



NC

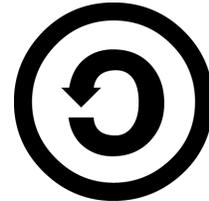


ND

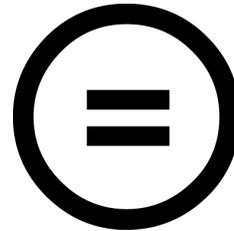
LEAST OPEN



- Attribution Only



- ShareAlike



- No Derivatives



- Non-Commercial



Using your own materials

- Published works (check publication agreement)
- PDFs or new creative works
- Disclosure for future publication

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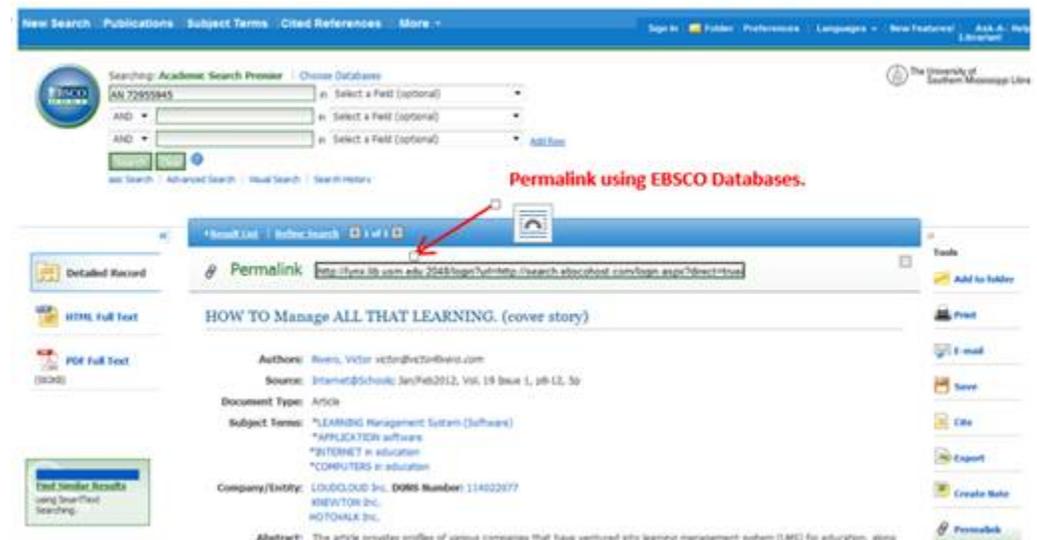
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Library Resources

- Many University Libraries' Licensed Resources (e.g. journal articles, books and book chapters, streaming media, etc.) allow faculty to insert or share a persistent or durable link in Blackboard. Durable links are hyperlinks to the online resources.
- For many of the databases, when viewing an individual record, from the section labeled "Tools," click on "Permalink." The record's permalink will then be displayed above the article's title. These permalinks can be inserted into Blackboard.



The screenshot shows the EBSCO Academic Search Premier interface. At the top, there are navigation links like 'New Search', 'Publications', 'Subject Terms', 'Cited References', and 'More'. Below this is a search bar with the text 'Searching: Academic Search Premier' and a search button. The search results section shows a single record for the article 'HOW TO Manage ALL THAT LEARNING. (cover story)'. The record details include the author 'Rivers, Victor', the source 'Internet@Schools, Jan/Feb2012, Vol. 19 Issue 1, pp.12, 5p', and the document type 'Article'. The subject terms are 'LEARNING Management System (Software)', 'APPLICATION software', 'SOFTWARE in education', and 'COMPUTERS in education'. The company/entity is 'LOUDLOUD Inc., DUNS Number: 114022977, NEWTON INC., HOTTONALE INC.'. The abstract states: 'The article provides profiles of various companies that have ventured into learning management system (LMS) for education, along with their...'. On the right side of the record, there is a 'Tools' section with buttons for 'Add to folder', 'Print', 'E-mail', 'Save', 'Cite', 'Export', 'Create Note', and 'Permalink'. A red arrow points to the 'Permalink' button, which has generated a URL: 'http://era.lib.ums.edu/2012/issue1/article/12search-education.com/login.aspx?direct=true'. A red text label 'Permalink using EBSCO Databases.' is placed above the URL.



Library Resources

- Other database may only have an option for a “Stable URL” and you will need to add University Libraries proxy URL to the front of this in order to provide off-campus access to your students.
 - <http://lynx.lib.usm.edu/login?url=>
- Please note, many of the electronic resources available through University Library provide unlimited users access, however some resources permit a fixed number of concurrent users. To ensure adequate access for your students, please check with your subject librarian.



The screenshot shows the JSTOR website interface. At the top, there is a navigation bar with links for 'JSTOR HOME', 'SEARCH', 'BROWSE', and 'MyJSTOR'. Below this is a search bar with the text 'Search: This issue' and a search icon. The main content area displays the title 'Behaviour' and 'Human Laughter, Social Play, and Play Vocalizations of Non-Human Primates: An Evolutionary Approach'. A red arrow points to the 'Stable URL: http://www.jstor.org/stable/4536240' with the text 'Stable URL link using the JSTOR database.' To the right of the article information, there is a list of options: 'View PDF', 'View Citation', 'Email Citation', 'Export Citation', 'Save Citation', and 'Track Citation'. At the bottom of the page, there is a section for 'Page Scan', 'Summary', and 'Page Thumbnails'. The text 'Your search term(s) occur 151 time(s) in this item.' is visible, along with a link to 'View list of pages with search term(s)'. The page number 'Page (217) of 217-240' is also shown.



Fair Use

1. The purpose and character of the use
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The potential market effect on the copyrighted work

This is not a checklist. Only courts can legally decide fair use.

Section 107



Making Fair Use Decisions

- Be consistent
- Recognize that reasonable people can disagree
- Remember that Fair Use is interpretative, and is the same process used by the court system.
- There is no immediate answer for whether an item is covered under the Fair Use Act. All factors must be considered in making a decision.



Fair Use Cont.

- If your use **IS** fair use, you do not have to seek permission to use copyrighted materials, and you do not have to pay a fee or sign a license.
- The Doctrine of Fair Use is included in the Copyright Act of 1976 and is based on the actual practices of the court system.



Library Course Reserves

- Service provided by University Libraries
- Available for faculty/staff at all campuses and teaching sites
- Streamlines the copyright permission process
- Provides an easy to access platform for supplemental course materials
- **FREE!** University Libraries absorbs the cost for permissions when possible.



Case Study #1

- Scenario:

A history professor records a full episode of a current television show and would like to use it in his class. Is he allowed to do so?



Case Study #1

- **Answer:**

Probably not. This would be a violation of the copyright law as this item would be protected under copyright. He should seek permission.



Case Study #2

- **Scenario:**

May a psychology professor copy and distribute a published journal article in his class or on Blackboard if he was the author of said article?



Case Study #2

- **Answer:**

Maybe, depending on what rights he retained in the publishing agreement made with the journal. If he did not retain rights to copy or distribute, that would preclude his using the article without first gaining permission.



Case Study #3

- **Scenario:**

A faculty member wants to place an entire textbook on electronic reserve for her class. The book is no longer in print but is still widely available for purchase. Can the textbook be digitized and placed on electronic reserve?



Case Study #3

- **Answer:**

No, even though the item is out of print copyright restrictions still remain. There are used copies for sale that the students could purchase. Another alternative is to use a smaller portion and make a fair use analysis.



Additional Resources

Copyright

- [USM Copyright Commons](#)
- [Copyright Search 1978-Present](#)
- [Copyright Records Pre-1977](#)
- [Copyright Term and the Public Domain in the United States](#)
- [U.S. Copyright Office - Copyright Law of the United States](#)

Fair Use

- [Copyright & Fair Use Articles: Stanford Copyright and Fair Use Center](#)

Other Resources

- [ALA Copyright Tools](#)
- [Aquila](#)
- [Public Domain Films](#)
- [Orphan Works](#)
- [Copyright and Unpublished Material | Society of American Archivists](#)



Additional Resources

OER & Public Domain Collections

- [Public Domain Pictures](#)
- [OER Commons](#)
- [HathiTrust](#)
- [Internet Archive -Moving Image Archive](#)
- [Library of Congress American Memory Collection](#)
- [University Libraries OER Research Guide](#)

Sound Recordings

- [Copyright in Music](#)
- [Copyright Registration for Sound Recordings](#)
- [Digital Audio Recording Devices and Media](#)



QUESTIONS?

