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Copyright Basics for the Campus Community

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The logo features a stylized copyright symbol (©) in yellow, with the 'C' being a thick, curved line. To its right, the word 'Copyright' is written in a white, sans-serif font. Below it, the word 'Commons' is written in a larger, white, sans-serif font. Underneath 'Commons', the text 'AT SOUTHERN MISS' is written in a bold, yellow, sans-serif font.

Copyright
Commons
AT SOUTHERN MISS

Copyright Basics for the
Campus Community



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SOUTHERN MISSISSIPPI[®]

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Introductions



Josh Cromwell
Scholarly Communications Manager
University Libraries



Roadmap

- **What is Copyright?**
- **Using Copyrighted Works**
- **Getting Permission**
- **Orphan Works**
- **Public Domain**
- **Openly Licensed Materials**
- **Creative Commons/Rights Statements**
- **Library Resources**
- **Fair Use**
- **Case Studies**
- **Q&A**



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



Types and Categories of Materials

Types:

- Text
- Images
- Audio
- Visual
- Multimedia

Categories:

- Public Domain
- Openly licensed (Creative Commons)
- Copyrighted works



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.



Using Copyrighted Materials

- There are three primary ways that you can use or reuse copyrighted materials:
 1. Get permission from the copyright holder
 2. Use the material according to terms of a license
 3. Make a Fair Use argument



Getting Permission

- If material is copyrighted and you want to reuse it, you can always contact the copyright holder for permission
- How to determine copyright holder?
 - Sometimes the author, but usually the publisher
 - For journals, check the journal website
- What about your own works?
 - It depends!
 - If published, copyright may have been transferred



Orphan Works

- Works in which copyright exists, but the owner is unknown or cannot be contacted
- Can be quite the headache for researchers or others trying to utilize copyrighted works without committing infringement
- Use of an orphan work can open the user up to a potential infringement suit
- Several approaches being discussed to help solve the issue
 - Although not currently required, registration of copyright can eliminate orphan works
 - An orphan work law limiting liability with proven good faith efforts
 - Orphan work database or registry with Copyright Office created by notice of usage



Public Domain

- Works not under copyright protection (pre-1927 in the US)
- 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.



"Golden Eagle" by [U. S. Fish and Wildlife Service - Northeast Region](#) is marked with [Public Domain Mark 1.0](#). Accessed from <https://wordpress.org/openverse/image/ed4710f1-362f-4eeb-a4c4-21680779b375>.



Sources of Public Domain Materials

- POND5 – Stock videos, photos, music (<https://www.pond5.com/free>)
- Project Gutenberg – Free eBooks (<https://www.gutenberg.org>)
- GOVInfo (U.S. Government Documents) - Free access to government publications (<https://www.govinfo.gov>)
- Library of Congress – Free to Use and Reuse Sets Portal (<https://www.loc.gov/free-to-use/>)
- WordPress Openverse – Can restrict search results to public domain only (<https://wordpress.org/openverse/>)



Openly Licensed Materials

- Many materials online are made available with an open license so that they can easily be reused
- Be sure to look at the terms of the license to see exactly how you can use it!
- Possible sources for openly licensed content:
 - Wikimedia Commons - https://commons.wikimedia.org/wiki/Main_Page
 - Google Image search > Tools > Usage Rights > Creative Commons licenses



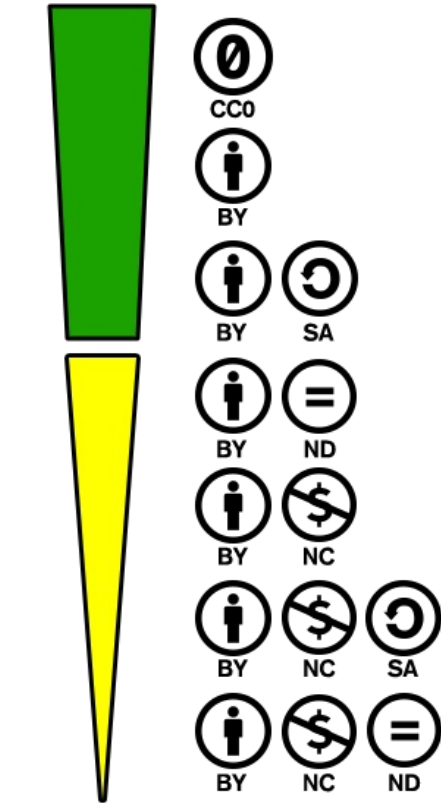
Creative Commons

- Open license that explains how a work can be used
- All licenses require attribution for reuse
- May include restrictions on commercial use or creating derivative works

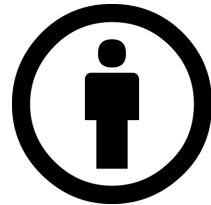


Creative Commons Licenses

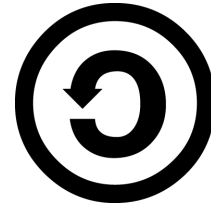
MOST OPEN



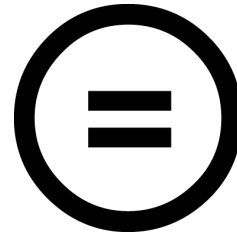
LEAST OPEN



- Attribution Only



- ShareAlike



- No Derivatives



- Non-Commercial



Rights Statements

- Used to indicate both copyright and reuse rights of materials
- Three categories: in copyright, not in copyright, copyright status unclear
- Helpful to understand how items can/cannot be reused and/or copyright restrictions

RIGHTS  STATEMENTS



Examples of Rights Statements

IN COPYRIGHT



Statements for works that are in copyright

In Copyright

- Educational Use Permitted
- Non-Commercial Use Permitted
- Rights-Holder(s) Unlocatable or Unidentifiable

NO COPYRIGHT



Statements for works that are not in copyright

No Copyright

- Contractual Restrictions
- Non-Commercial Use Only
- Other Known Legal Restrictions
- No Copyright – United States

OTHER



Statements for works where the copyright status is unclear

Copyright Unclear

- Copyright Not Evaluated
- Copyright Undetermined
- No Known Copyright



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 Canvas. 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 Canvas.

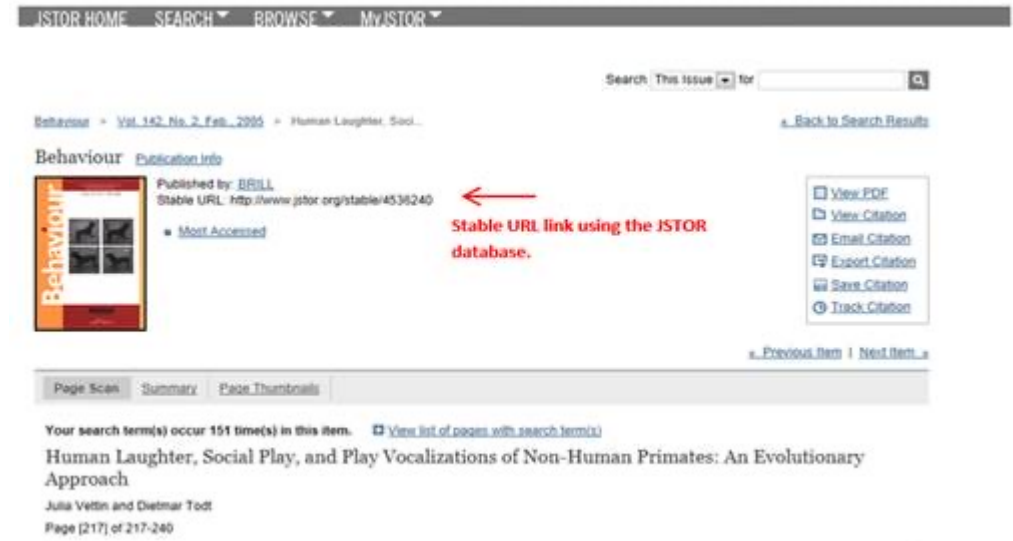
The screenshot shows a web browser window displaying an EBSCOhost article. The address bar at the top shows a URL starting with 'http://lynx.lib.usm.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=154416678&site=ehost-live', which is circled in red and labeled 'Permalink'. Below the browser window, the article's title is 'The "Agencies" of Copyright Law: Constitutional and Administrative Law on the CASE Act of 2020' by Carissa Wilson*. A table of contents is visible on the right side of the page.

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Library Resources

- Other databases 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 for' and a search icon. The main content area displays the title 'Human Laughter, Social Play, and Play Vocalizations of Non-Human Primates: An Evolutionary Approach' by Julia Vestin and Dietmar Todt. A red arrow points to the 'Stable URL' link, which is highlighted in red text. 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 page number is indicated as 'Page (217) of 217-240'.



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.
- Remember: When in doubt, link out!



Case Study #1

- **Scenario:**

A faculty member wants to assign an article that she wrote as a reading for one of her classes, so she posts the article on her website where anyone can access it. Is this allowed?



Case Study #1

- Answer:

It depends! If the faculty member retained her copyright when the article was published, then she is free to distribute it however she wishes. If copyright was transferred to the publisher, then posting the article is likely a copyright violation unless the contract specifically allows it.



Case Study #2

- **Scenario:**

A literature professor finds a poem online that includes a Creative Commons Attribution (CC-BY) license. He decides to copy the poem, add an attribution statement, and print off copies of the poem to hand out to all of his students for analysis. Is the professor allowed to do this?



Case Study #2

- Answer:

Yes. Under the Creative Commons Attribution license terms, the poem can be reused and distributed as long as the original is properly attributed.



Additional Resources

Copyright

- [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](#)

Creative Commons

- [Creative Commons Licenses](#)
- [Things to know before licensing](#)

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](#)

Rights Statements

- [Rights Statements Overview](#)
- [List of Rights Statements](#)
- [Usage Guidelines](#)

Sound Recordings

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



QUESTIONS?

