Copyright Compliance

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Copyright Definition

The exclusive right to reproduce, publish, sell, or distribute the matter and form of something (such as a literary, musical, or artistic work).

Copyright Time

- Copyright Act of 1976
- After 50 years works by individual authors
  - Become public domain
- After 75 years works by corporate authors
  - Become public domain
- Included provision for Fair Use
Copyright – Term Extension 1998

- Individual author’s works are copyrighted for 70 years
- Corporate author’s works are copyrighted for 95 years
- Any works prior to 1923
  - Work is in public domain
- Any works prior to 1978 not copyrighted
  - Work is also in public domain
- Any other works
  - Are copyright protected
Copyright Compliance

- Own copyright – do what you want with it
- Not copyright protected – do what you want with it
- Own material (not copyright) based on:
  - Licensing agreement
  - Paid for permission to use
- Fair Use
- Teach Act
Fair Use
Usage of Works Under Fair Use

- Use of copyrighted works without permission or payment:
  - Educational Usage
  - Research & scholarship
  - Criticism & comment

- Works may not be used for commercial gain or profit
Fair Use

- Nature of Material should be factual
- Fair use does not cover creative or artistic works
- The materials should be published
Fair Use – What you can do

- Copy and distribute a single article from a newspaper/periodical for one class
- Copy and distribute a single chapter from a book for one class
  - Not to exceed 10% of the book
- Copy and distribute a short story or essay for one class
Fair Use – What you can do

- Materials restricted for use in the classroom
  - Not made publicly available

- Copies are generally done for one time use (one semester)
Fair Use – You Can’t

- Does not allow for change in formats
  - VHS to DVD
  - Copying from one format into digital format
    - DVD to streaming
The Teach Act

Technology, Education, and Copyright Harmonization Act of 2002
Teach Act

- Allows for performance and display of copyrighted materials in distance learning
- Helps to balance needs of distance learners and copyright holder
- Instructors may use a wide range of works
- Students may be from any location
- Greater latitude for storing, copying, and digitizing
Teach Act Requirements

- Institution must be accredited and non-profit
- Use must be for mediated instruction
- Use limited to students in a class
- Only reasonable or limited portions may be used
- Institution must have publicized policies for copyright compliance
Teach Act Does Not Allow For

- Electronic reserves or interlibrary loan (ILL)
- Commercial document delivery
- Entire copies of textbooks to be distributed
- Conversion from analog to digital or other types of conversion
  - Unless materials are in an obsolete or unavailable format

- Does not supersede fair use or existing licensing agreements
Library Compliance with Copyright
Library Reserves

- No restrictions on materials owned by library or faculty
- No Restrictions for:
  - Entire hard copy of books
  - Entire journal or magazine
  - Video
Library Reserves

- Printed copy of article:
  - Fair Use allows for one semester
  - Beyond requires permission
Electronic Reserves

- Articles
  - Fair Use allows for one semester
  - Okay to place a copy on Canvas for one semester since Canvas is restricted to your class.
  - Anything beyond one semester needs to have permission
Electronic Reserves

- Videos
  - Cannot convert from VHS to DVD
  - May use clips of videos for class only
  - Portions of music may be used
Electronic Reserves

- Books
  - One chapter for one semester
    - Must be less than 10% of entire book
  - Restricted usage for class
What You Can Do

- If documents available online use links to get to them
- If documents available in one of the library databases
  - Use permalink or URL to access them
Permalink to article
Images

• Under Fair Use, single works may be used in their entirety but not more than 5 images by an artist or photographer.
• From a published collection, not more than 15 images or 10%, whichever is less.
Published Collections

- Older illustrations may be in the public domain, but the collection could still be copyrighted.
- Proceed with caution when getting images from the Internet!
Library Compliance

- Interlibrary Loan will scan images for you to use for your class from books that the library owns.
- They will digitize 10% of the book or 15 images, whichever is less.
What You Can Do

- Use images licensed from one of Stewart Library’s databases.
  
  ARTstor
  
  Bridgeman Art Library Archive

- If you use Google Images, search using the advance search so you can look for images that are free to use and share.
What You Can Do

- Always cite the images you use in *PowerPoint* presentations and make sure that your students cite them if they use them in research papers or presentations.
- Image citations need to include:
  - artist’s name
  - title (underlined or italicized)
  - date of creation
  - medium
  - the institution or individual who owns the work,
  - city where the work resides
  - date of access
  - URL
What You Can Do

- Work with library to ensure materials are okay to use
Questions?
Helpful Resources

- Using Digital Materials in Online Courses: A Cautionary Tale of Georgia State University
  - [http://tinyurl.com/97v79fn](http://tinyurl.com/97v79fn)

- Supreme Court: Copyright can be extended to foreign works once in public domain
  - [http://tinyurl.com/fgnwks](http://tinyurl.com/fgnwks)
Helpful Resources

• Long-Awaited Ruling in Copyright Case Mostly Favors Georgia State U.

• Know Your Copy Rights
  • Association of Research Libraries (ARL)
Helpful Resources

- Professors Get ‘F’ in Copyright Protection Knowledge
  - Seattle Post Intelligencer

- The Teach Act
  - The Copyright Clearance Center
Helpful Resources

- Weber State Copyright Policy
  - [http://www.weber.edu/ppm/Policies/5-41_CopyrightPolicyOwnership.html](http://www.weber.edu/ppm/Policies/5-41_CopyrightPolicyOwnership.html)

- Stewart Library Copyright Compliance Policy
  - [http://library.weber.edu/sas/departments/media_reserve/copyright.cfm](http://library.weber.edu/sas/departments/media_reserve/copyright.cfm)

- Stewart Library Fair Use, Brevity, Spontaneity, and Cumulative Effect
  - [http://library.weber.edu/sas/departments/media_reserve/fair_use.cfm](http://library.weber.edu/sas/departments/media_reserve/fair_use.cfm)
Helpful Resources

• Copyright Clearance Center
  • http://www.copyright.com/

• Copying Right and Copying Wrong with Web 2.0 Tools in the Teacher Education and Communications Classroom
  • http://www.citejournal.org/vol10/iss3/languagearts/article1.cfm

• Fair Use Guidelines for Educational Multimedia
  • http://www.adec.edu/admin/papers/fair10-17.html