Faculty Copyright Forum

Ryan Gaylor, MLIS
Eric Robinson, MLIS
What is copyright?

- Intellectual Property
- Control
- Permission
- Restrictions
- Protection
- Attribution

- Its real purpose is to promote creativity.
Enumerated Power of Congress

“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”

(U.S. Constitution, Art. I, Sec. 8)
“...securing for limited Times...the exclusive Right...”

- Reproduction
- Distribution
- Performance
- Display
- Transmission
- Preparation of “derivative works”
What is protected under copyright?

- “original works of authorship”
- “fixed in a tangible form of expression”
- Some minimal amount of creativity
- No requirement of notice of copyright
- Registration not required for protection
- Mandatory deposit of registered copyright works
Limitations and Exceptions

- Education, scholarship
- Preservation
- Parody/Satire
- Preservation
- Transformational use
Fair Use: The Four Factors

- Nature of the copyrighted work
- Purpose and character of use
- Amount and substantiality of use
- Effect of the use on the market for the original work

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Scenario 1:

- A professor wants to save students some money on textbooks. So the students won’t have to buy the textbook, the professor photocopies the most important chapters and places them on reserve in the library.
- How many chapters would be ok?
- What if the professor makes a PDF and puts it on the web?
- In the university’s course shell (BlackBoard)?
The TEACH Act

- Updates law pertaining to transmission of copyrighted works
- Revises performance and display laws for use of copyrighted works in digital education
- Under very specific circumstances:
  - Integral part of class experience
  - Controlled by instructor
  - Analogous to display in live classroom setting
  - Limited access, limited duration, reasonable measures to prevent distribution

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Scenario 2:

- A physical therapy instructor has a DVD of a physical exam procedure. The video is ONLY available as a DVD, so the instructor “rips” the DVD to an MP4 file and posts the video to YouTube where the students can view it.

- What if they only excerpt a small portion of the video?

- What if instead of posting to YouTube, they share the short portion only in the course shell?

- How many minutes of the video are they allowed to share?
Copyright Myths

- There’s no “©” symbol so it’s ok to use it.
- If it’s for education, I am allowed fair use.
- As long as it’s less than 20%, it’s still “fair use”.
- The TEACH Act means that I can put it online to provide distance education.
USA Copyright Compliance

- USA Library
  
  [https://library.usa.edu/copyright](https://library.usa.edu/copyright)
  
  library@usa.edu

- Eric Robinson, MLIS
  
  Scholarly Communications Librarian
  
  erobinson@usa.edu

- Deborah Zimic, JD
  
  Office of General Counsel
  
  dzimic@usa.edu
USA Blanket Copyright License

- Annual cost
- Searchable
- Indicates uses licensed by USA
  - Photocopying
  - Digital sharing
  - E-learning platforms
- Quick demo
Link out to resources

- Safely link out to resources within course module
- Best practice for sharing
- Not distributing the work
- USA Library articles
- OER Commons
- Quick Demo of Permalinks
Fair Use Evaluation Tools

➡️ [https://library.usa.edu/copyright](https://library.usa.edu/copyright)
➡️ Checklists for weighing factors
➡️ “Thinking Through Fair Use”
➡️ Remember it is never black and white
➡️ Due diligence

University of Minnesota Libraries
[https://www.lib.umn.edu/copyright/fairthoughts](https://www.lib.umn.edu/copyright/fairthoughts)
Scenario 3:

- An instructor wants to use an article from a physical therapy journal to illustrate validation of a motor assessment. The professor scans the journal article and posts it within the course shell for the students to read.

- How else might the instructor offer this information?
Are you being copyright compliant?

Check this chart before sharing copyrighted works in your course.

1. Is the work covered by our Academic Annual Copyright License?
   - Yes: You're good to go.
   - No: Is the work Open Access?

2. Is the work Open Access?
   - Yes: Link to the article rather than sharing full text.
   - No: Is the work available through the USA Library?

3. Is the work available through the USA Library?
   - Yes: Email library@usa.edu for a customized link to the article.
   - No: Is the course campus-based or distance?

4. Is the course campus-based or distance?
   - Yes: Campus-based. Ask your campus librarian to put a print copy of the work “on reserve” in the library.
   - No: If you are unsure, contact the USA Library at library@usa.edu.

For more information, visit USA Library's copyright page:
https://library.usa.edu/copyright
Questions?
Copyright In The Classroom: Best Practices

- Evaluating Classroom Readings and Learning Resources
- Road map
- Annual Copyright License as first consideration
- Link out when possible
- Fair Use Evaluation tools
- Ask a Librarian
- Deborah L. Zimic, General Counsel for the University of St. Augustine for Health Sciences (dzimic@usa.edu)
Feedback Poll

- Was the information in this webinar useful/new?
  (BlackBoard poll: YES/NO)
- What was most useful/new to you?
  (type in chat)
- Is there something you wish we had covered?
  (type in chat)
Ryan Gaylor, MLIS
Distance Learning Librarian, Instruction and Learning
Email: rgaylor@usa.edu
Phone: 904-770-3599

Eric Robinson, MLIS
Distance Learning Librarian, Scholarly Communication
Email: erobinson@usa.edu
Phone: 760-410-5310

General Questions:
Contact the library at library@usa.edu, or use the library chatbox at library.usa.edu.
References


