



# Copyright and Fair Use

---

## Creator's Rights and Responsibilities

Presented by Trudy Griebenow

# Essential Questions

---

- *What rights do you have as a creator?*
- *What responsibilities do you have to respect others' creative work?*

# Copyright—the Basics

---

- Copyright is an intellectual property right for an original work
- Copyright protection begins the moment the work is created—with or without the ©
- Copyright holders have the exclusive right to display and perform their works
- ALL rights reserved

# ALL Rights Reserved: Six Rights of a Copyright Holder

---

- Reproduction
- Distribution
- Adaptation
- Public performance
- Public display
- Digital audio transmission



# Most things you find, download, copy/paste online are copyrighted

---

You can use things you find online as long as you:

- Check who created it
- Get permission to use it
- Give credit to the creator
- Buy it (if necessary)
- Use it responsibly (Fair Use)

# This is Real



## **FBI Anti-Piracy Warning:**






The unauthorized reproduction or distribution of a copyrighted work is illegal. Criminal copyright infringement, including infringement without monetary gain, is investigated by the FBI and is punishable by up to five years in federal prison and a fine of \$250,000.

# There Are Alternatives to ©

- Creative Commons—some rights reserved
- Public Domain—rights expired, or given up
- Fair Use—conditional exemptions



# Creative Commons: SOME rights reserved

	CC Symbol	Description
1		<b>[BY] By Attribution</b> Permits all uses of the original work, as long as it is attributed to the original author (Note: Attribution is in all six licences)
2		<b>[BY-SA] By Attribution – Share Alike</b> As above, but any derivative work must also use a similar license, hence “Share Alike”
3		<b>[BY-NC] By Attribution – Non-Commercial</b> Licensed works are free to use / share with attribution, but does not permit commercial use of the original work
4		<b>[BY-NC-SA] By Attribution – Non-commercial – Share Alike</b> Does not permit commercial use of the original work, and any derivatives from it must use a similar licence
5		<b>[BY-NC-ND] By Attribution – Non-Commercial – No Derivatives</b> Does not permit any commercial use or derivatives of the original work. <i>Note: this is the most restrictive of CC licenses, and is often regarded as a “free advertising” license</i>
6		



# Public Domain

---

Free of copyright restrictions

- Copyright expired
- Creator chose to give up all rights



# The Good News—Fair Use

---

- Educators and students have permission to use **some** copyrighted material in certain situations.
- Conditional rights for using or reproducing certain copyrighted materials in a reasonable manner without first getting the copyright holder's permission.

# What Fair Use IS NOT: Common Misconceptions

---

- If it's for educational use, I can use it, no matter what
- I'll never get caught
- If it's on the Internet, it's not copyrighted
- I am a minor (under 18), I can't be sued!

# Fair Use—Most Misunderstood Aspect of Copyright Law

- Fair Use is not a right given to educators, students, or any other person.
- It is a defense applied in court to a charge of infringement.
- The burden of proof falls to the educator or student.
- Creator must still be acknowledged in bibliography.

# Four Tests of Fair Use

You must meet all four to be covered:

## 1. The purpose of the use

- Schoolwork and education (tied to curriculum),
- News reporting,
- Criticizing or commenting,
- Comedy/parody
- Transformative Use
  - whether the format has been changed by adding new meaning
  - Reworking and using material in a different way

# Four Tests of Fair Use

---

## 2. The **nature** of the copyrighted work

- informational vs. entertainment
- Nonfiction facts, vs. creative works
- Published vs unpublished

## 3. The **portion** used in relation to the whole

- (general rule is 10% or less)
- not significant to the entire work

# Four Tests of Fair Use

---

4. The effect of the use on potential **market value** of the work (causing someone to lose money even if you don't charge to use or see the work)
  - Number of copies made
  - Number of times used
  - Length of time used

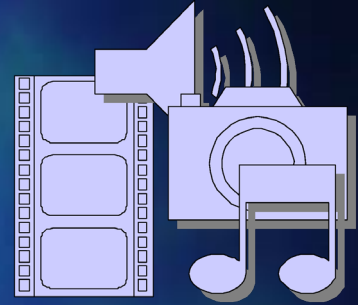
# Fair Use—5 Yes/No Rules

- Legally acquired
- Nonprofit educational
- Classroom or similar place of instruction
- Presented by instructors or students
- Occur in the course of face-to-face instruction





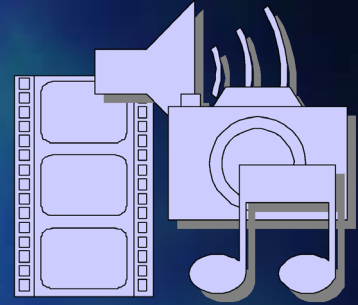
# Multimedia—Audio, Graphics, Photos, and Video



- Notice
  - Opening screen **MUST** contain notice that the work contains copyrighted materials used under fair use and clearly indicate alterations
  - Example—found on [Library website](#)

NOTICE: The following presentation contains copyrighted materials used under the Multimedia Guidelines and Fair Use Exemptions of U.S. Copyright Law. Further use is prohibited.

# Multimedia—Audio, Graphics, Photos, and Video



- Attribution Required
  - Shorthand reference in small type placed near the location of the copyrighted item
  - Specific information in a full-text citation at the end of the presentation.
  - Can use the EMS Keeping Track of Sources Form

# Wrap Up

---

- *What is something new you learned that helps you be responsible and respectful toward other people's creative work?*