

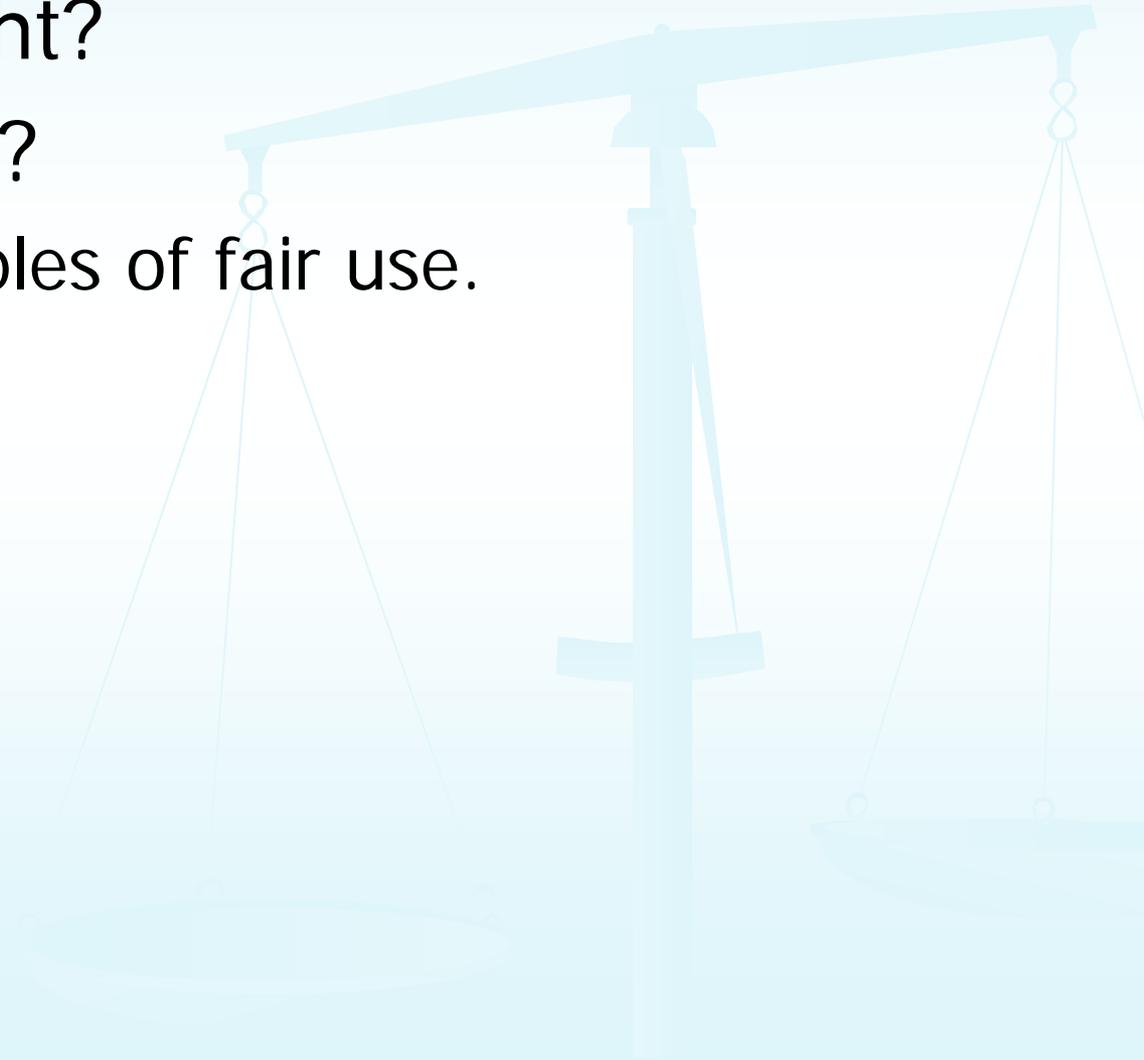
Copyright: What you need to Know



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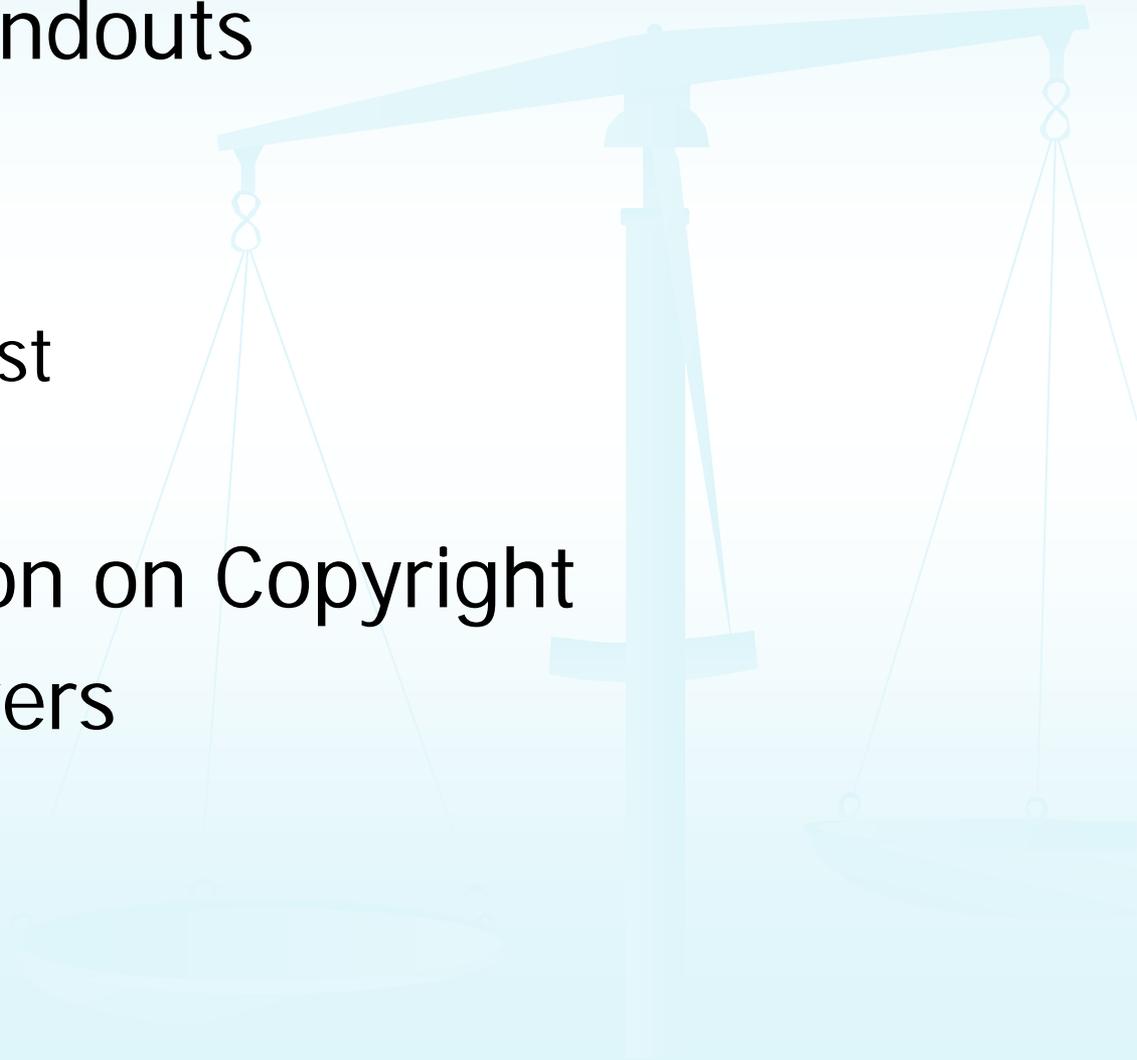
Objectives: Upon completion able to describe...

- What is copyright?
- What is fair-use?
 - The four principles of fair use.



Agenda

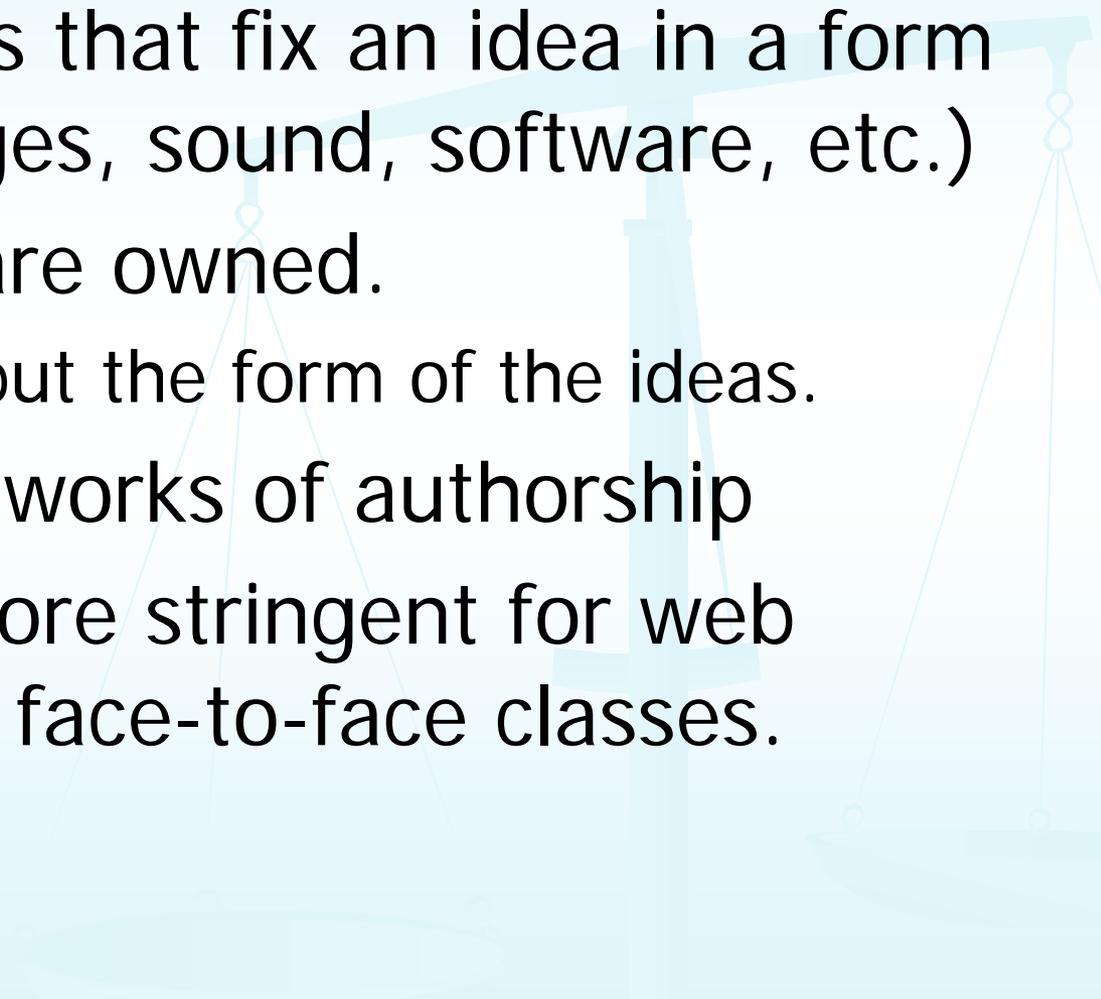
- Look at your Handouts
 - Quiz
 - Powerpoint
 - Fair use Checklist
 - Booklet
- Brief Presentation on Copyright
- Questions/Answers



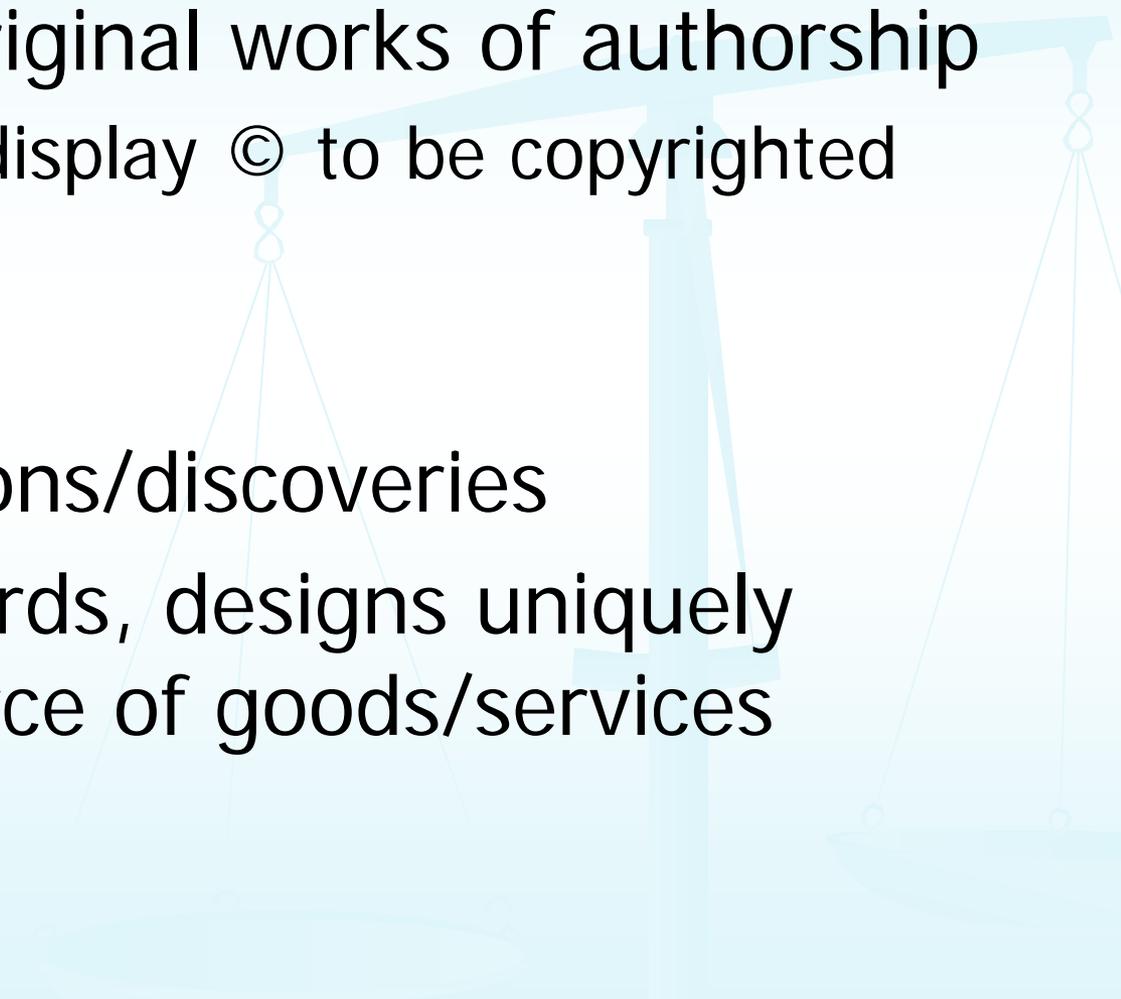
Overview

- Digitization has altered copyright and fair-use & continues to alter the rules
 - Must re-educate yourself periodically
 - Your interest is as
 - Creator of ip,
 - User of ip,
 - Manager of others' creations.
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Defining Intellectual Property

- human creations that fix an idea in a form (e.g., text, images, sound, software, etc.)
 - Original works are owned.
 - Not the ideas, but the form of the ideas.
 - Copyright is for works of authorship
 - The rules are more stringent for web classes than for face-to-face classes.
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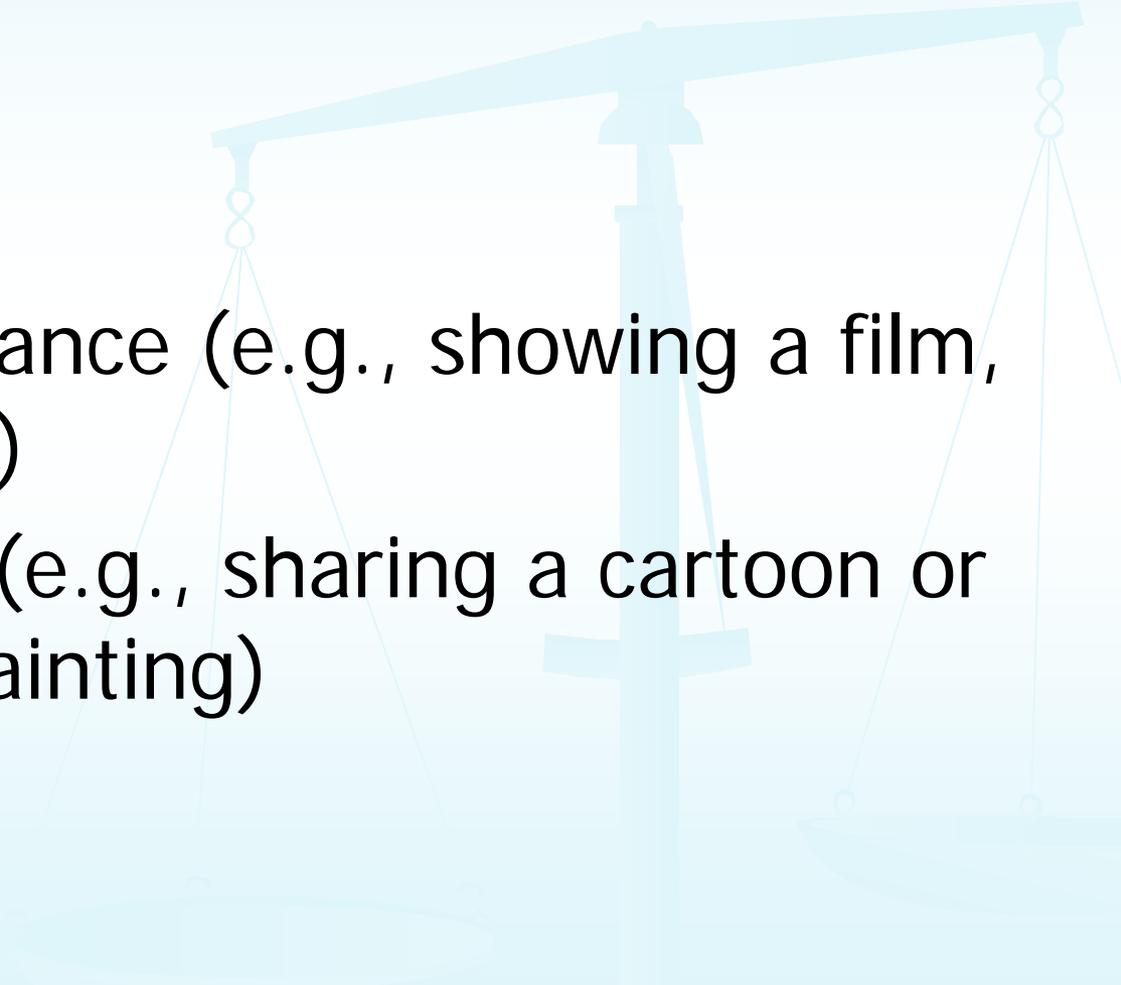
What is Copyright?

- Protection of original works of authorship
 - Don't have to display © to be copyrighted
 - Versus
 - *Patent*: inventions/discoveries
 - *Trademark*: words, designs uniquely identifying source of goods/services
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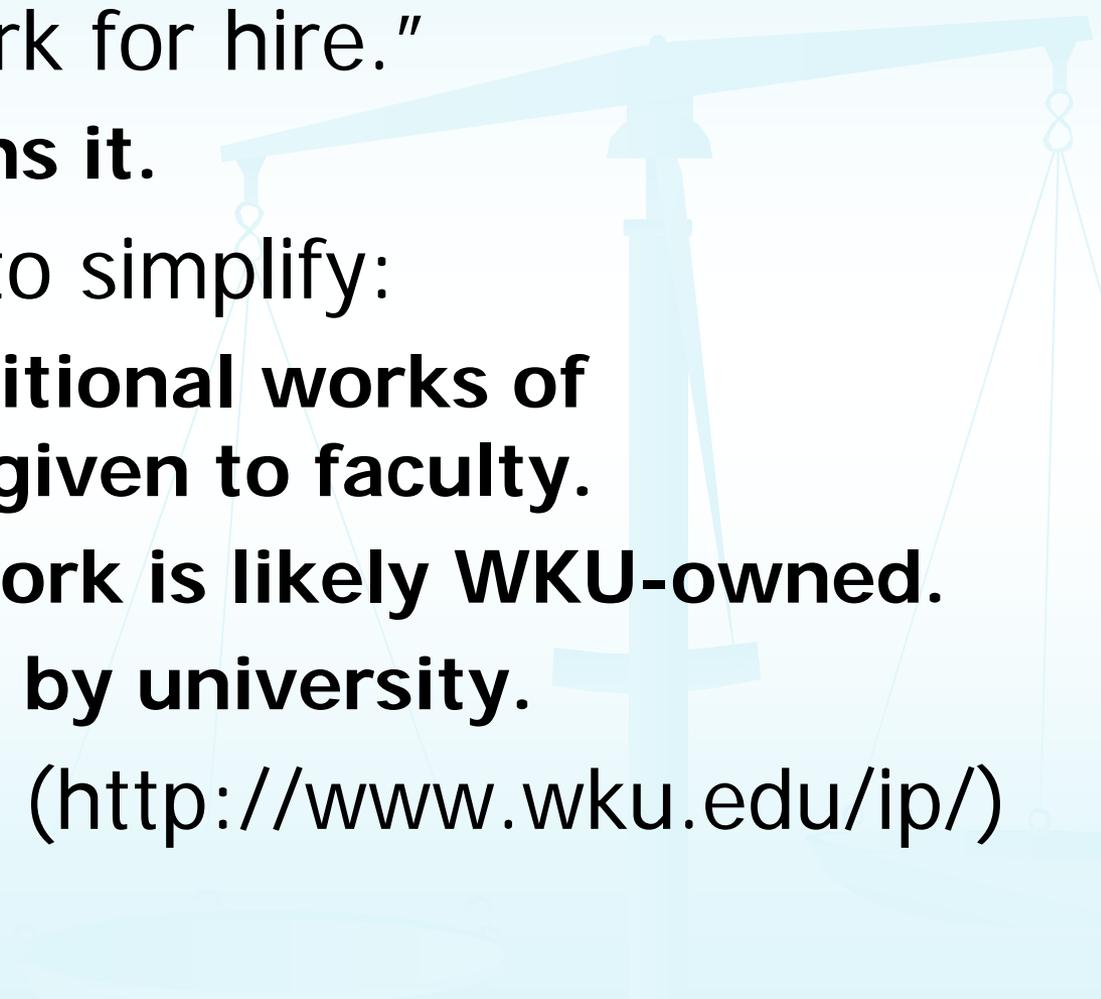
Versus Plagiarism

- Citation of a source protects from plagiarism
 - Not from copyright infringement
 - A plagiarist violates both copyright and academic integrity.
 - Alteration of the creation
 - May protect from plagiarism.
 - is not protection from copyright infringement
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5 Rights of Ownership

1. Reproduction
 2. Modification
 3. Distribution
 4. Public Performance (e.g., showing a film, playing a song)
 5. Public Display (e.g., sharing a cartoon or a photo of a painting)
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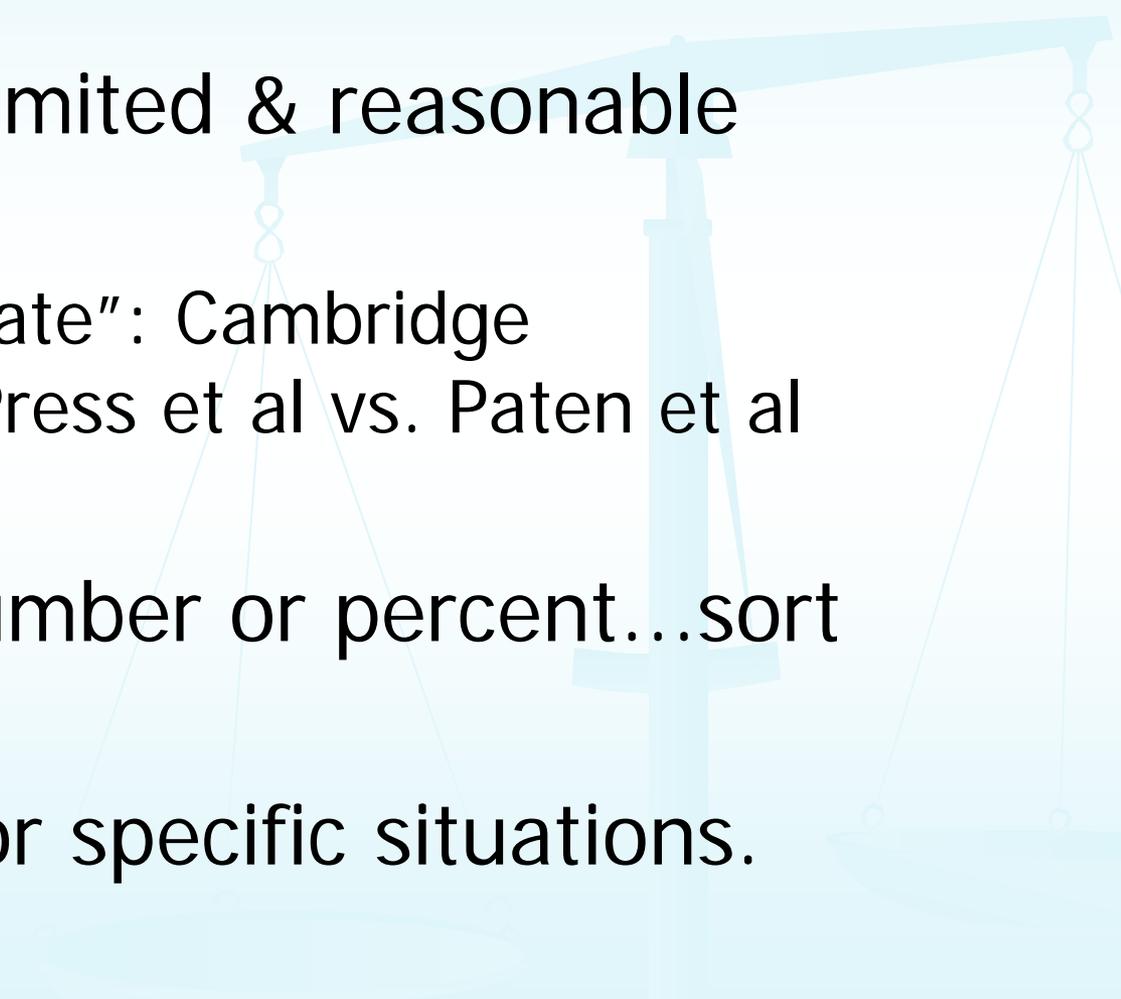
Person who creates, (puts in fixed form), owns the work,

- Unless it is “work for hire.”
 - **The hirer owns it.**
 - WKU policy is, to simplify:
 - **Faculty “Traditional works of scholarship” given to faculty.**
 - **Committee work is likely WKU-owned.**
 - **Staff– owned by university.**
 - [Read the policy](http://www.wku.edu/ip/) (<http://www.wku.edu/ip/>)
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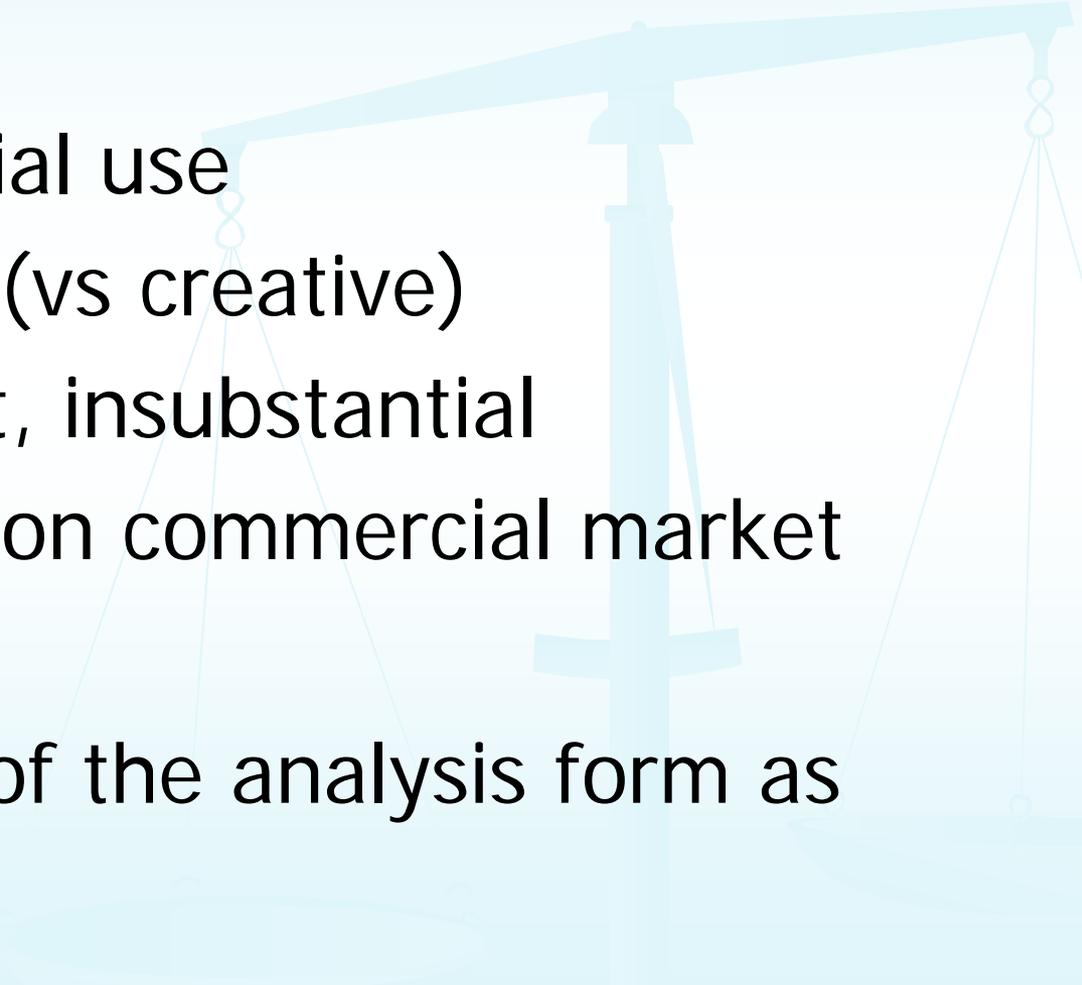
Term of Ownership

- Before 1923 in public domain...except trademark.
- After that varies by author-owned vs work-for-hire and by date produced.
- [Go to this website](#) (see resource list at end) for details.

Amount before copyright infringement?

- Law says: "limited & reasonable portion"
 - "Georgia State": Cambridge University Press et al vs. Paten et al (2012).
 - No magic number or percent...sort of
 - See Bryan for specific situations.
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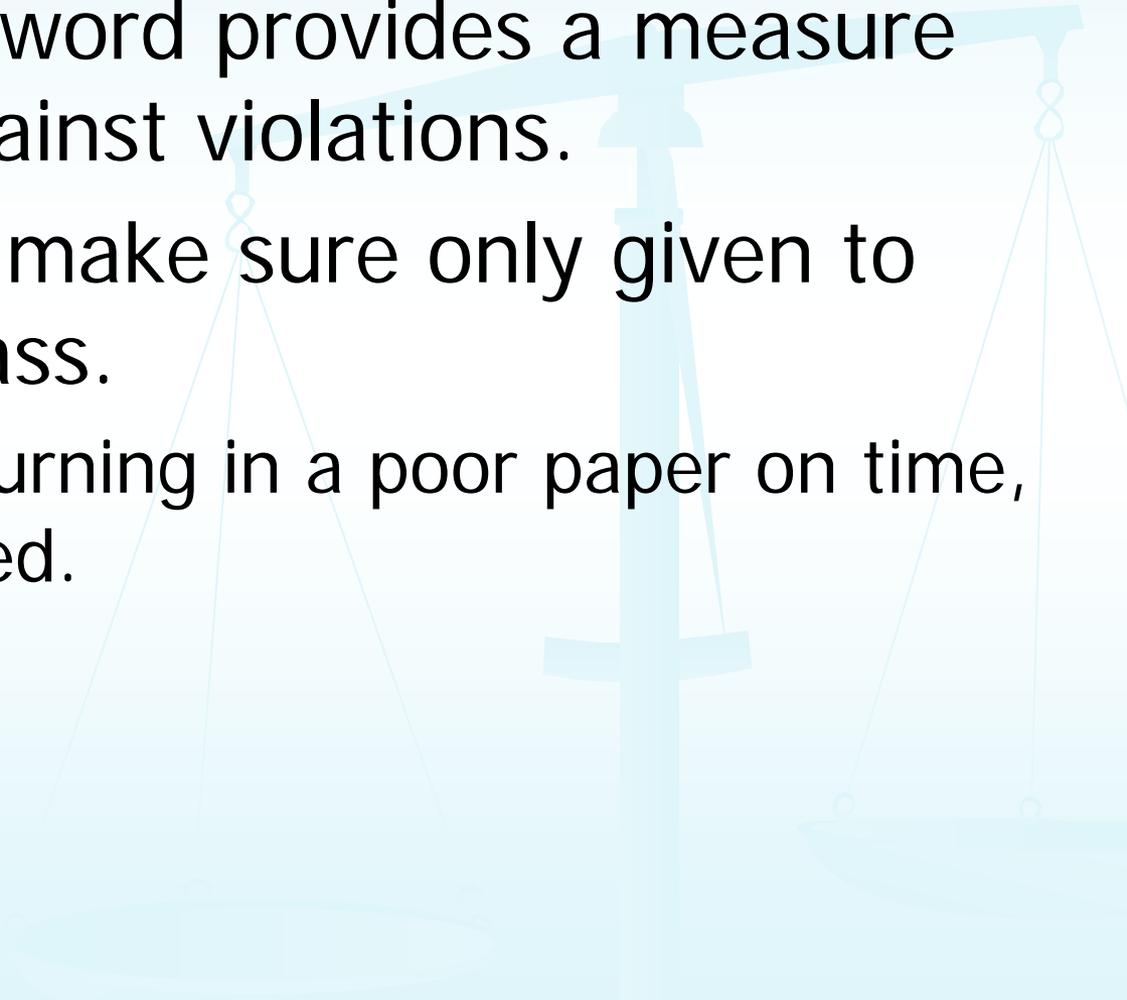
Fair Use for Education? (HO Checklist)

- More likely if
 - Noncommercial use
 - Factual work (vs creative)
 - Small amount, insubstantial
 - Small impact on commercial market
 - Keep a copy of the analysis form as evidence.
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Examples of media

- Textbooks often provide media (check license)
- Have WKU staff make it (belongs to WKU)
- Ask for permission from owner ([Sample Release Form](#))
- Locate collections that are free (e.g., often government produced, pre1800)
- Make your own
- *RECENT 6th Fed District court case– you must provide a citation, even for fair-use images, videos, etc.

The Blackboard Password?

- Blackboard password provides a measure of protection against violations.
 - Shows trying to make sure only given to people in the class.
 - Like a student turning in a poor paper on time, at least they tried.
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Practical Matters

- If you try and can't find "owner" then use and just stop if you get a cease and desist letter. (Be able to document your effort to find owner).
- If you get a Cease and Desist letter—cease and then negotiate.
- Publishers monitor closely, especially for films and music.

Keep an Eye on Alternatives to Copyright

- Open resources movement
 - Open textbooks
 - Open course movement
 - E.g., MIT, MOOC
 - Creative Commons License
 - <http://creativecommons.org/>
 - Safe way to share your products—
 - you define in advance what sorts of sharing you permit.
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Resources

- [WKU policy](http://www.wku.edu/ip/) (<http://www.wku.edu/ip/>)
- [Creative Commons License](http://creativecommons.org/):
<http://creativecommons.org/>
- [When in Public Domain](http://www.unc.edu/%7Euncing/public-d.htm):
<http://www.unc.edu/%7Euncing/public-d.htm>
- [Sample Release Form](#) (direct link): or
<http://libguides.wku.edu/intellectual-property/>
Select Recording Agreement from tabs.
- [Copyright Office](http://www.copyright.gov/) <http://www.copyright.gov/>
- [Copyright Clearance Center](http://www.copyright.com/):
<http://www.copyright.com/>

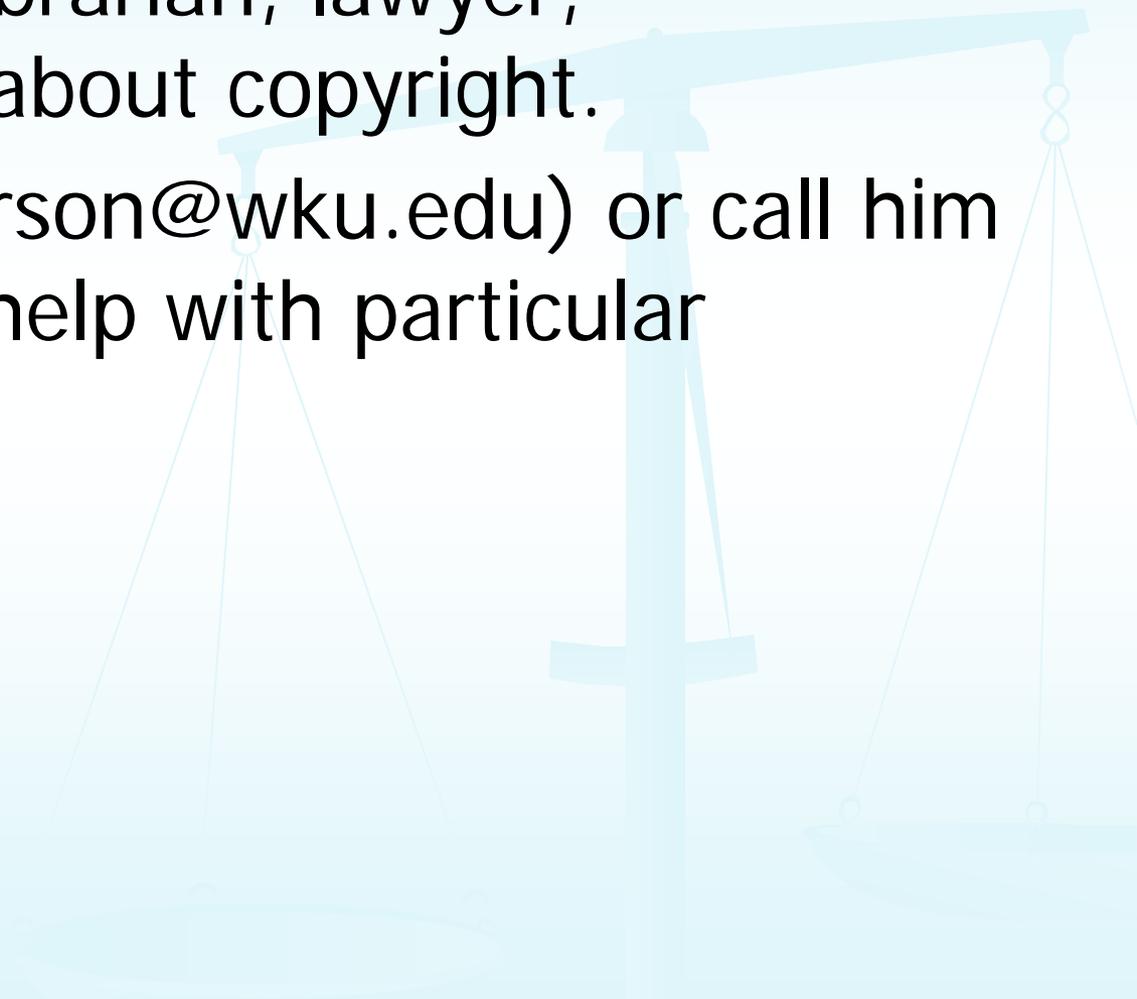
Video

- Enghagen - *The copyright case we've been waiting for.*
- Available on the shared drive:
S:\UNIVERSITY-WIDE-
SHARED\copyright\Magna Online Seminar
- click on player.html
- Also see the handouts



More specific questions?

- Bryan Carson, librarian, lawyer, knowledgeable about copyright.
- Email (bryan.carson@wku.edu) or call him (745-5007) for help with particular situations.



Summary

- Nature of copyright
- Distinctions among key terms, such as trademark
- Work-for-hire and WKU IP
- 4 principles of fair use.

