

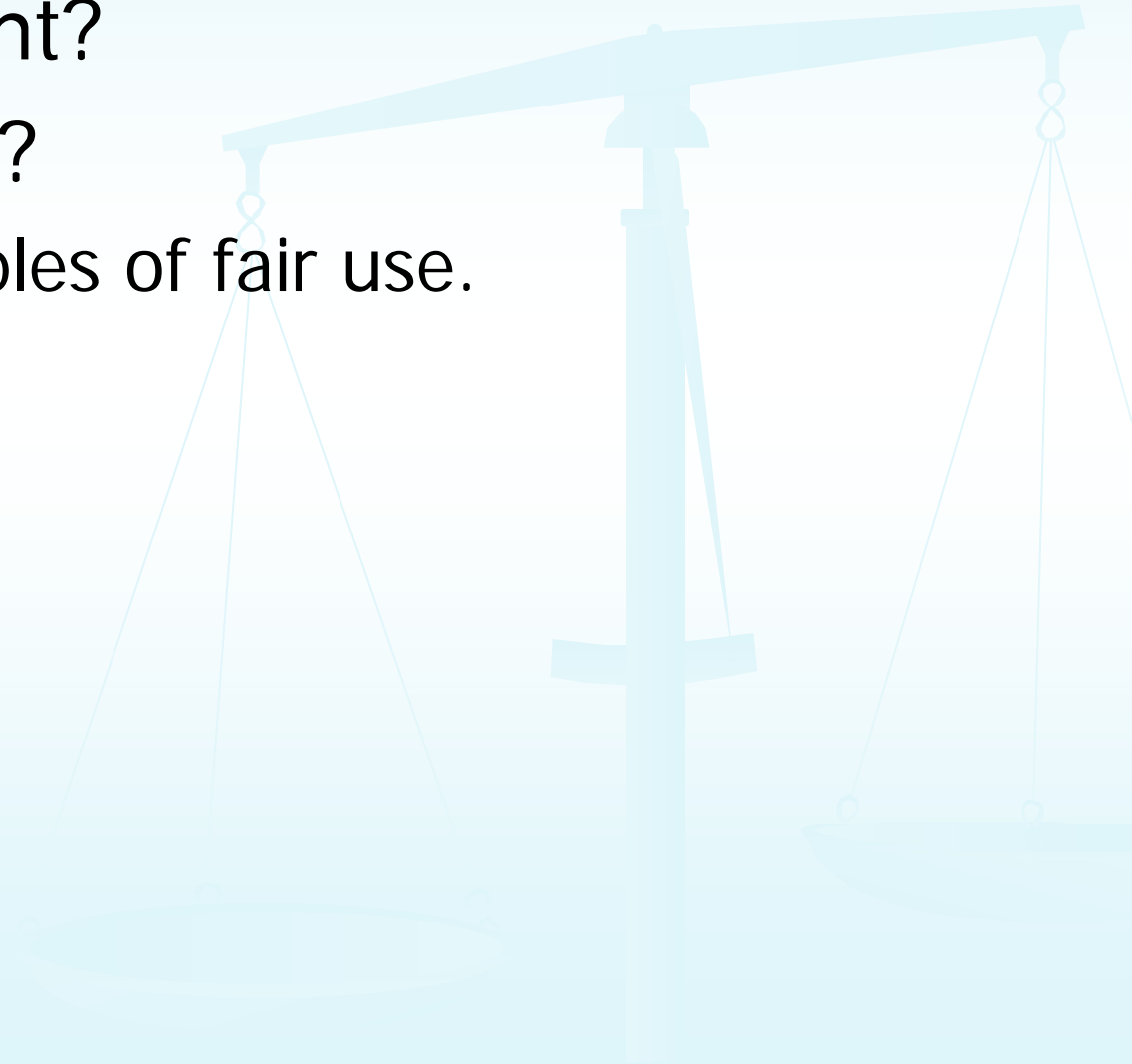
# Copyright: What you need to Know

A faint, light blue illustration of a balance scale is visible in the background. The scale is tilted slightly to the right, with the right pan hanging lower than the left. The central pillar and the pans are clearly defined by thin lines.

Bryan Carson, University Libraries  
Sally Kuhlenschmidt, FaCET

# Objectives: Upon completion able to describe...

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

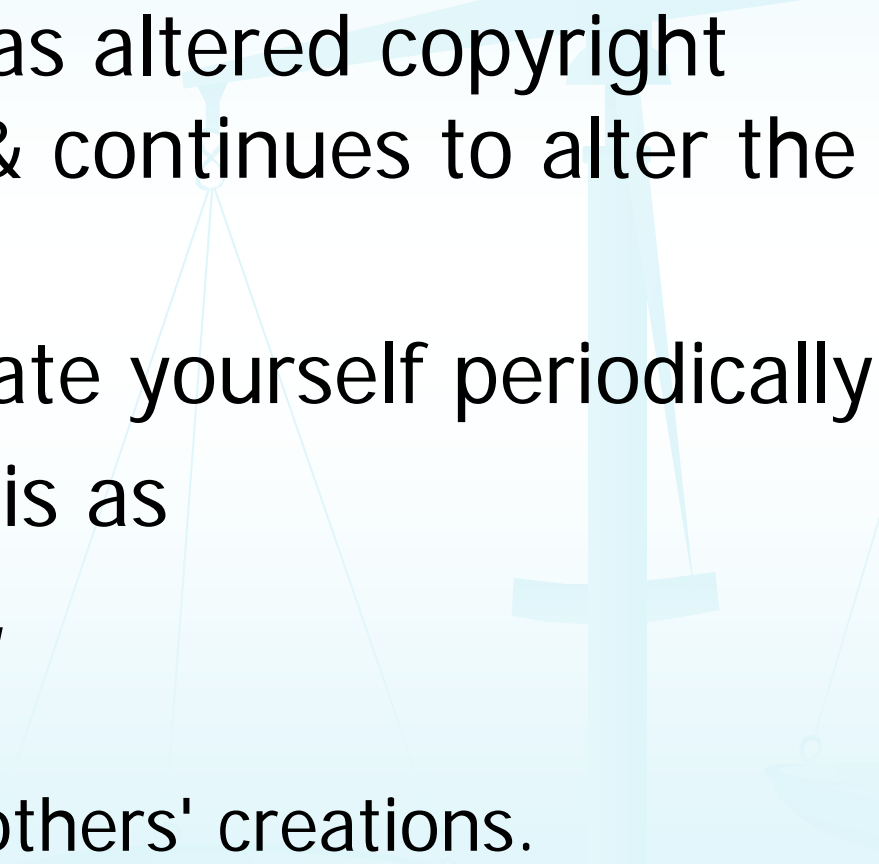


# Agenda

- 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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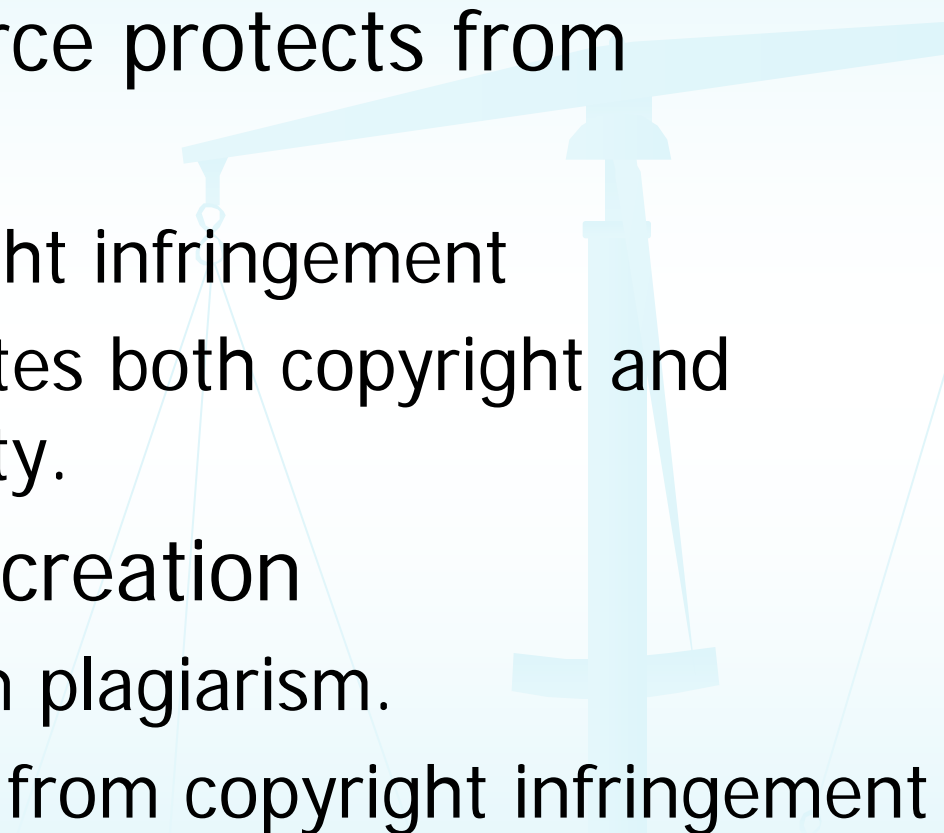
# Defining Intellectual Property

- 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.

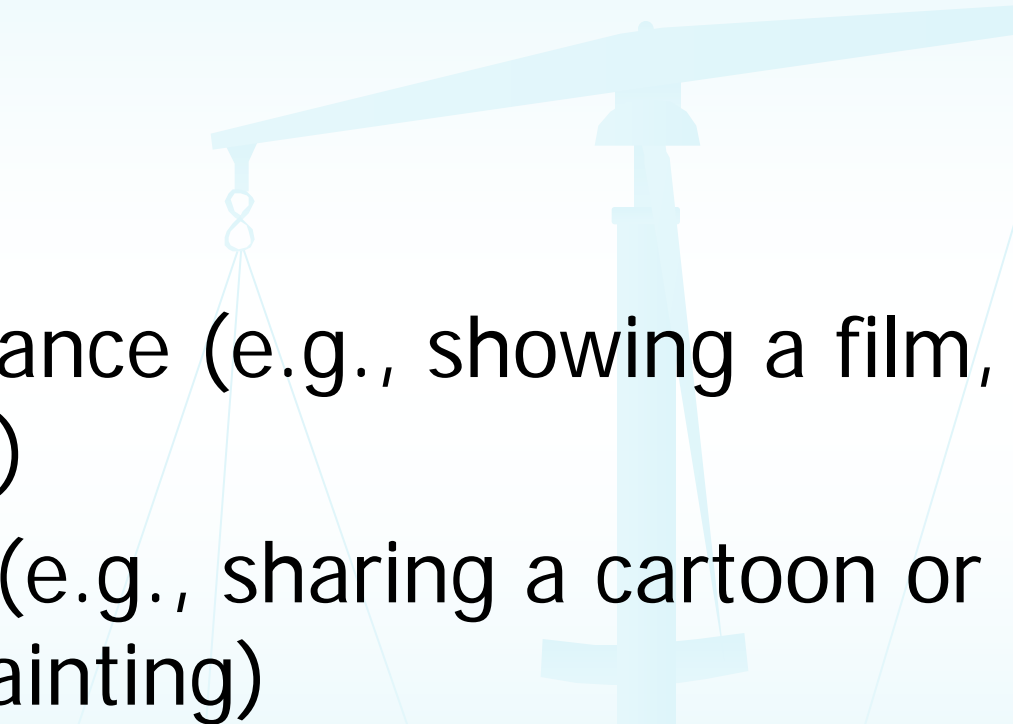
# *What is Copyright?*

- 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

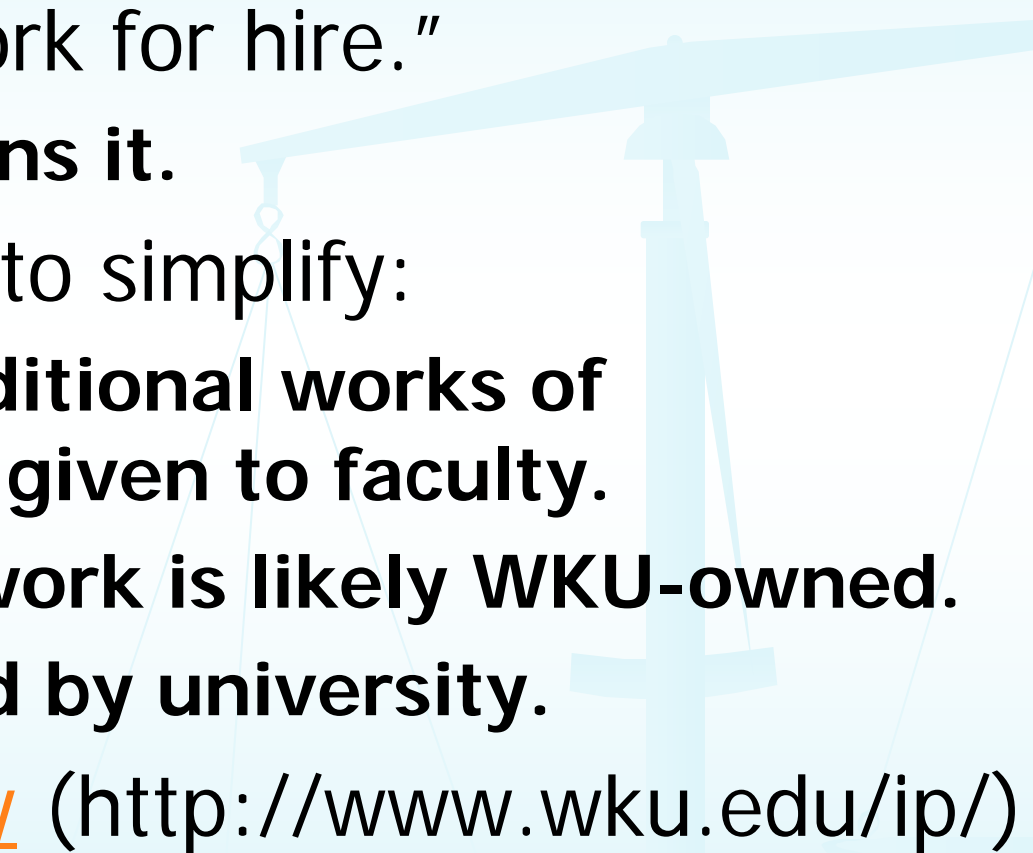
- Citation of a source protects from plagiarism
    - Not from copyright infringement
    - A plagiarist violates both copyright and academic integrity.
  - Alteration of the creation
    - May protect from plagiarism.
    - is not protection from copyright infringement
- 

# 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)
- 



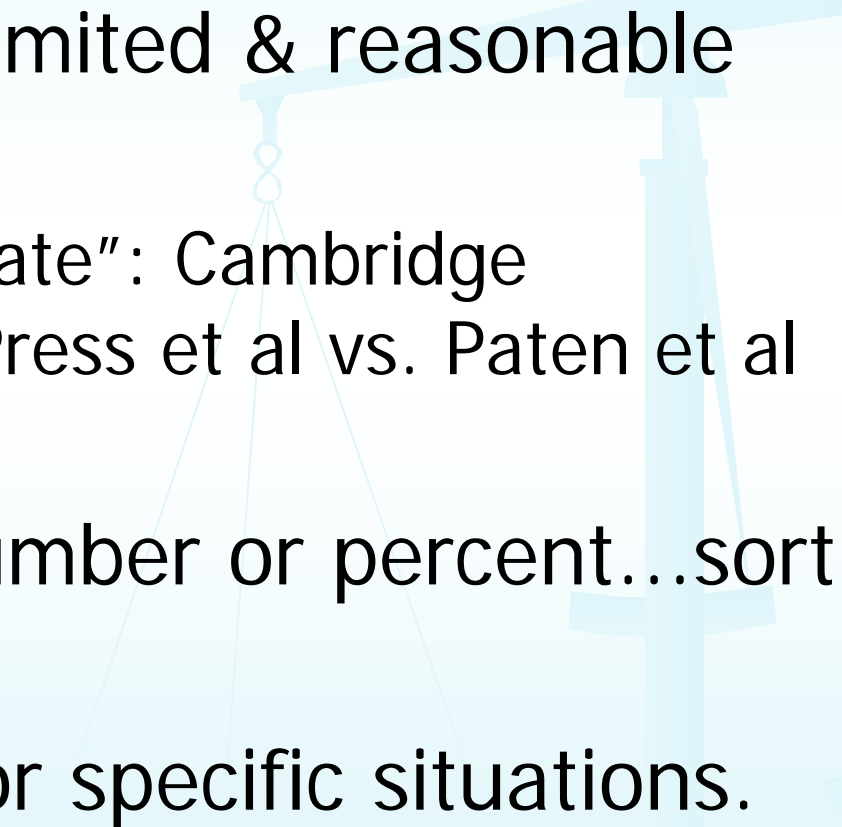
# Person who creates, (puts in fixed form), owns the work,

- 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/>)
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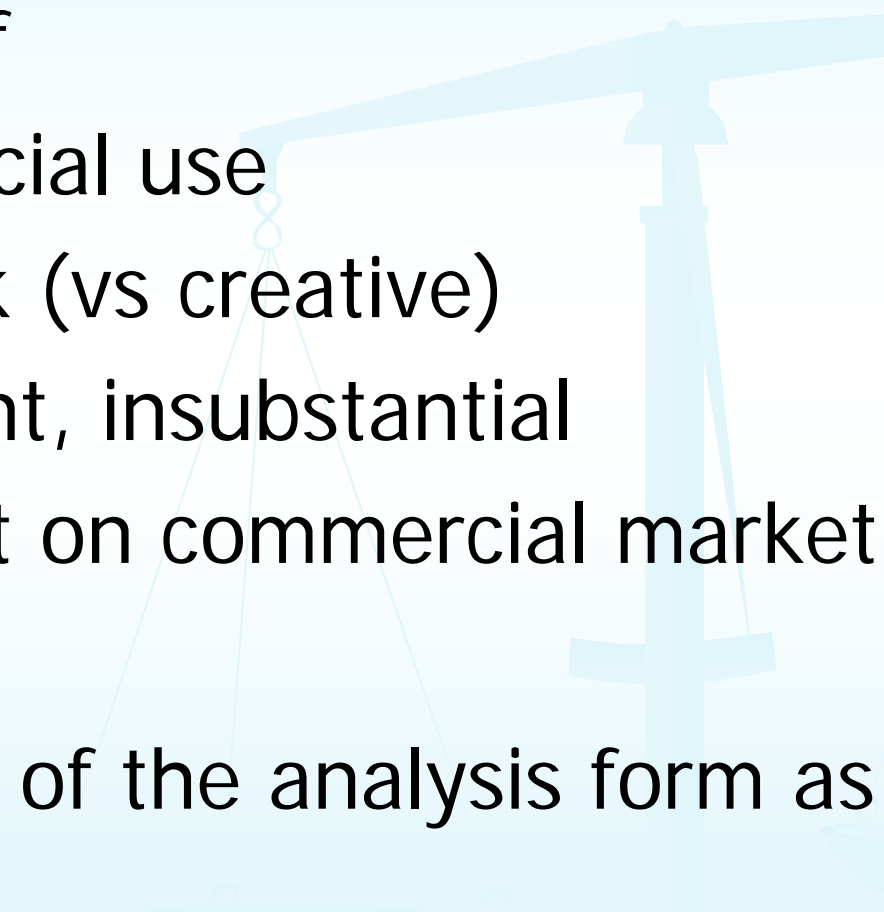
# *Term of Ownership*

- 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.
- 

# 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 6<sup>th</sup> 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.

# 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.





# Resources

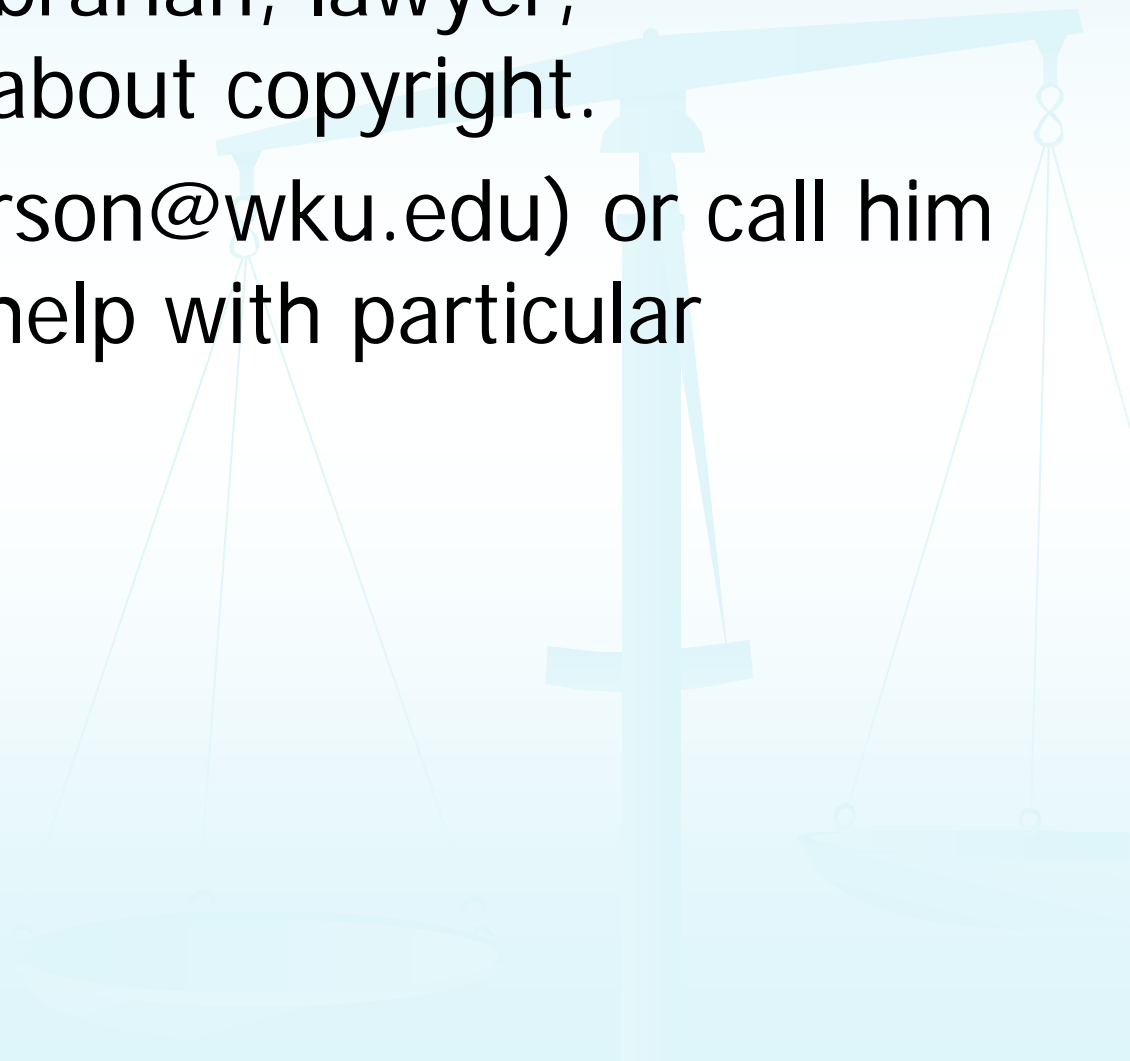
- WKU policy (<http://www.wku.edu/ip/>)
- Creative Commons License:  
<http://creativecommons.org/>
- When in Public Domain:  
<http://www.unc.edu/%7Euncing/public-d.htm>
- Sample Release Form (direct link): or  
<http://libguides.wku.edu/intellectual-property/>  
Select Recording Agreement from tabs.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

