

Copyright at RWC/NES

Basic Information and General Guidelines

At RWC/NES so far ~

- > in September of 2005, an official copyright policy was created and adopted stating general compliance.

- > in the fall of 2012 the Provost appointed a Copyright Task Force to flesh out the particulars of copyright compliance

- > policy submitted to the Provost in May of 2013

What exactly is copyright???

True or False?

"If it's on the internet, it's public domain."

"Copyright protects ideas."

"When I buy a CD (or a book, DVD or computer software program) I own the copyright in it."

"There's no copyright symbol so it isn't protected by copyright."

"I contacted the copyright owner to request permission but I never got a response. It must be okay to use the work."

"If it's for educational purposes, I do not need to obtain copyright permission."

All False !!!

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Copyright is in our Constitution

- Constitution Article 1, sec. 8, clause 8:
 - Congress is to promote the progress of science and useful arts by securing for limited times to authors and inventors the **exclusive rights** to their respective writings and discoveries.

When does copyright begin?

- **When a work is fixed in a tangible medium of expression (on paper, hard drive of a computer, etc.)**

When does copyright cease to have an effect and a work can be *freely* used?

- Public Domain =
life of creator + 70 years
- General date = 1923
- <http://copyright.cornell.edu/resources/publicdomain.cfm>

The Legal Pieces

- Copyright Act 1976
- Digital Millennium Copyright Act (DMCA) 1998
- Technology, Education and Copyright Harmonization Act (TEACH) 2002

Fair Use

- “Fair use is the right to use copyrighted material *without* permission or payment under some circumstances, especially when the cultural or social benefits of the use are predominant.”

- Association of Research Libraries, *Code of Best Practices in Fair Use for Academic and Research Libraries*, January 2012, arl.org/fairuse, (accessed February 2013), 1.

Fair Use

- Listed in Section 107 of the Copyright Act (1976)
- includes references in its preamble to activities associated with the academic mission, including:
 - criticism, comment, teaching, scholarship, research.
- Association of Research Libraries, *Code of Best Practices in Fair Use for Academic and Research Libraries*, January 2012, arl.org/fairuse, (accessed February 2013), 6.

Four Factors of Fair Use

PANE

- the **p**urpose and nature of the use
- the **a**mount used
- the **n**ature of the work used
- its **e**conomic effect

How Do I Decide What I Can Use?

- *See the decision tree:*

If the work is not in public domain (free to use), then you must either find an exception (such as databases or Fair Use) OR get permission and maybe pay to use it.

Coursepacks

- *This is the most litigious use of materials*
- *Since you are in essence creating a new work, **EVERYTHING** included in a coursepack **MUST** have permission to be included!*

Class Handouts

- *1 copy per student*
- ***MUST*** include proper citation and a copyright notice
- 10% of work not divided into chapters or having less than 10 chapters or no more than 1 chapter of a 10 or more chapter work

Electronic Readings (Course site/CMS)

- **BEST** approach is to direct link to materials in the library databases (see H/O)
- **1** chapter or **10%** of a book
- **MUST** include proper citation and copyright notice

How to Direct Link

- *Each database has its unique way of providing a direct link*
- *Called “stable url” or “persistent link” or “direct link” or...*

Media

- *You cannot show an entire movie, especially if it is just for entertainment.*
- *This area is more slippery to define.*