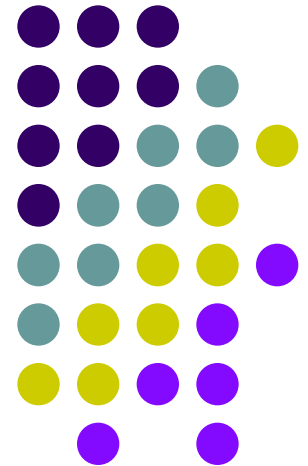
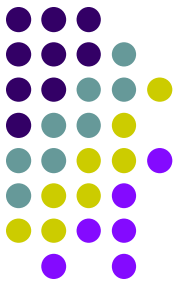


Copyright Basics

May, 2011

MATC Copyright Committee

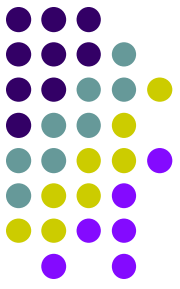




Copyright definition

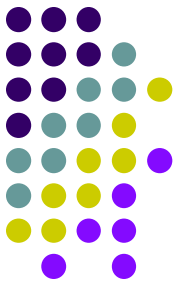
- Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works.
- Today in the U.S., copyright protection exists from the time the work is created in fixed form.

The rights of a copyright holder are...

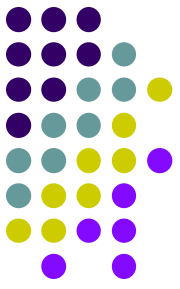


- To reproduce the work
- To make derivative works based on the original work
- To distribute copies by sale or other means
- To perform the work publicly (i.e. plays, choreographed works, musicals, etc.)
- To display the work publicly (i.e. pictures or sculptures)

Protection length varies

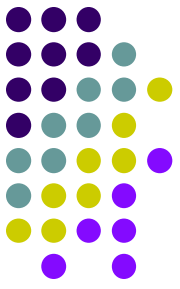


- The term of copyright for a particular work depends on several factors, including whether it has been published, and, if so, the date of first publication and whether it carried a © notice.
- As a general rule, for works published after Mar. 1, 1989, copyright protection lasts for the life of the author plus an additional 70 years.
- For an anonymous work, a pseudonymous work, or a work of corporate authorship, the copyright endures for a term of 95 years from the year of its first publication or a term of 120 years from the year of its creation, whichever expires first.



Protection length guides

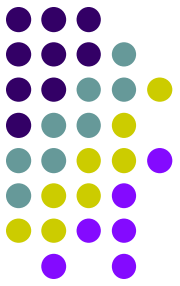
- www.copyright.gov/circs/circ15a.pdf
- www.unc.edu/~unc1ng/public-d.htm
- www.librarycopyright.net/digitalslider/
- http://www.copyright.cornell.edu/public_domain/



Public domain

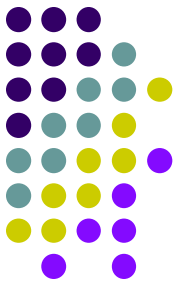
- A public domain work is not protected by copyright law and can be used freely by anyone.
- Works are in the public domain because:
 - ✓ Copyright for the work has expired
 - ✓ The author failed to satisfy statutory formalities to perfect the copyright
 - ✓ The work is a work of the U.S. Government.
- In general, works published before 1923 are in the public domain.

Using others' copyrighted works

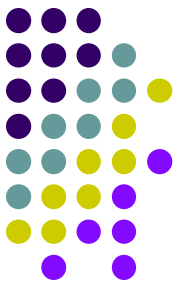


- The safest course is always to get permission from the copyright owner before using someone else's copyrighted material in a way that only a copyright holder should (i.e. making copies, distributing copies, etc.).
- When it is impracticable to obtain permission, use of copyrighted material should be avoided unless the doctrine of “fair use” would clearly apply to the situation.

Fair use

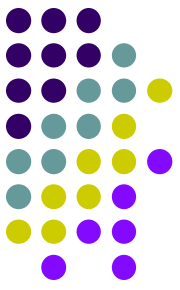


- Under the *fair use* doctrine of the U.S. copyright statute, it is permissible to use limited portions of a work, for purposes such as criticism, comment, news reporting, teaching, scholarship, and research.
- There are no legal rules permitting the use of a specific number of words, a certain number of musical notes, or percentage of a work.
- Whether a particular use qualifies as fair use depends on all the circumstances.



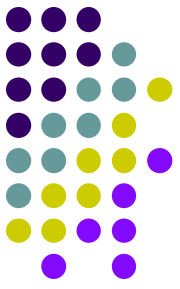
Four factors of fair use

- the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
- the nature of the copyrighted work
- amount and substantiality of the portion used in relation to the copyrighted work as a whole
- the effect of the use upon the potential market for or value of the copyrighted work



Asking for permission

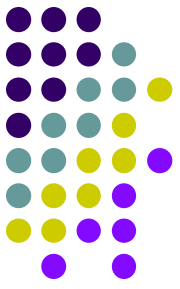
- When you have time to request permission to use copyrighted materials, you should do so. You should also ask if you don't think your use of the material would be "fair."
- Guidelines for how to write a permission letter are available on the library's web site.
- Keep a record of the response you receive.
- If you ask for permission, then use the item without waiting for a reply, you are bound by the copyright holder's terms when they reply.



Paying royalties

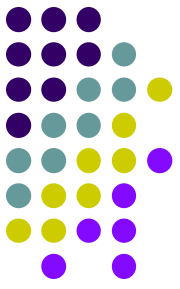
Permission granting agencies act on behalf of the copyright holder to make it easy for people to request permission and to pay royalties for use of copyrighted works.

- Copyright Clearance Center (www.copyright.com)
- American Society of Composers, Authors and Publishers (www.ascap.com)



Requesting Permission

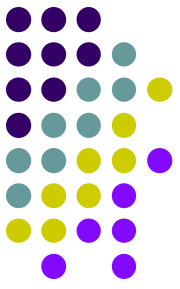
Various electronic permission granting systems exist. It's easy to use RightsLink or another electronic permission granting system. However, be aware that not all permission requests will result in the request being granted without the payment of royalties. You can sometimes get an estimate without even logging in.



Infringement

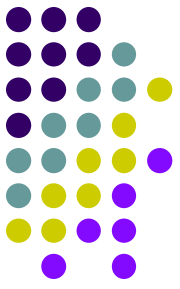
- Civil lawsuits
 - ✓ Generally, must be within 3 years of infringement
 - ✓ Statutory damages may be imposed
- Criminal proceedings
 - ✓ Generally, must be within 5 years of infringement
- [Fair use cases](#)
 - ✓ University of Chicago Press v. BISI Inc.
 - ✓ Princeton University Press v. Michigan Document Services, Inc.
 - ✓ Basic Books, Inc. v. Kinko's Graphics Corporation

Posting Course Materials Online



Copyrighted materials may be posted to a course in Blackboard under any of the following circumstances:

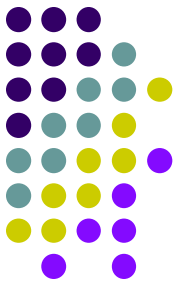
- The material is made available by **linking** rather than copying (we'll talk about this later)
- The **instructor is the copyright owner** of the material
- The copyright owner of the material grants **permission**
- The material is in the **public domain**
- The use is a "**fair use**" under the law (If the material comes from a licensed electronic resource, the license must not include language to limit the fair use of the material.)



Copyright vs. Licenses

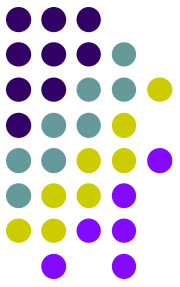
- Most electronic resources such as databases and electronic journals are governed by their own individual license agreements.
- Licenses have precedence over copyright law.
- Even if “fair use” principles would allow the use of a copyrighted electronic resource, whatever the license allows is what you must abide by.

Typical uses that the library's electronic resource licenses allow



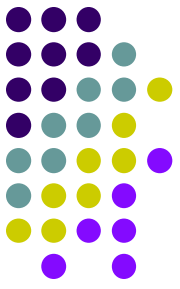
- Usually allowed:
 - ✓ Downloading for personal use for research and education
 - ✓ Use in educational activities
- Sometimes allowed:
 - ✓ Using electronic materials in course packs

Typical uses that the library's electronic resource licenses *do not* allow



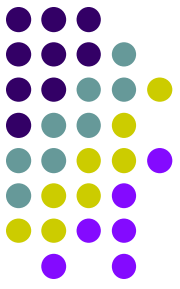
- Downloading articles “systematically”
- Using materials in other commercial products without permission
- Creating derivative works without permission
- Posting complete contents without any restrictions to a web site or another means of broad distribution
- Removing the copyright notice

Guidelines for using materials in face-to-face teaching without permission



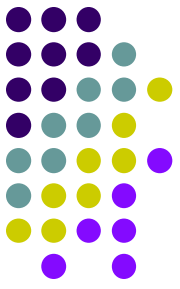
- Only one copy per student should be made.
- No charge to the student beyond the actual cost of copying should be imposed.
- Copying items should not substitute for buying books.
- Copying of an item should not be repeated from term to term (in that case, you've got time to ask for permission).

Guidelines for using materials in face-to-face teaching without permission



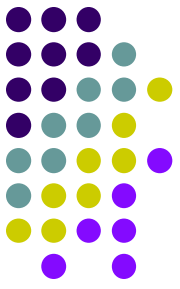
- Copying should not be directed by a higher authority.
- Copying is not intended to be consumable (you should not copy pages from a workbook, answer sheets from standardized tests, etc.).
- Copying should meet other fair use factors.
 - ✓ Brevity (shouldn't copy a lot)
 - ✓ Spontaneity (shouldn't have time to ask permission)
 - ✓ Cumulative effect (shouldn't have an effect on the work's marketability)

Guidelines for using materials in face-to-face teaching without permission

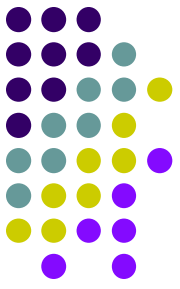


- Course site must be accessible only to students enrolled in the course
- Must be insufficient time to request permission
- Don't copy a lot. If you want students to read entire articles/chapters, give them a reading list rather than providing the copies.
- Copyrighted items must be owned by the instructor, department or library

Guidelines for using materials in face-to-face teaching without permission



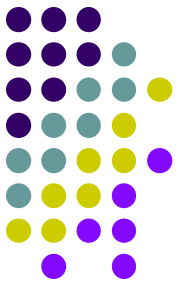
- No fees should be charged to students for use of the material.
- The material should be directly related to the course content and inclusion of the material shall not be directed by anyone other than the course instructor.
- All copyrighted materials used should include copyright notices.



Other Internet Information

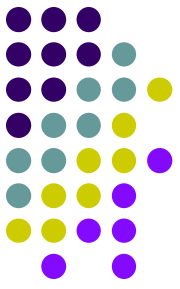
- Just because someone puts information out on the Internet for free, doesn't mean that you can take it and do whatever you want with it.
- Copyright protection still applies and you should consider fair use principles in your use.

Linking to Library Resources



- Linking to resources such as electronic articles and book chapters is a good way to avoid the necessity of determining whether your use is a fair use when using copyrighted materials without permission.
- Linking will also help to ensure that uses are counted so that the library can accurately gauge whether materials are used enough to justify continuing to pay for them.

Linking to Library Resources



- Creating links to electronic resources can be tricky because you must create a persistent link.
- You also must make sure that the link will prompt the student to log into the library's proxy server if the student will be using the materials from off-campus.
- When off-campus students click on MATC Library resources' links, a login window will automatically appear prompting for their name and MATC ID number

A screenshot of a library login form. The form has a yellow background and is titled "Login". It contains two input fields: "First and Last Name" and "MATC ID number". Below the first field is an example instruction: "For example, type 'Jane Smith' and then press the RETURN key." Below the second field is another example instruction: "For example, 9876543". At the bottom of the form is a "Submit" button.

Login

Please enter the following information:

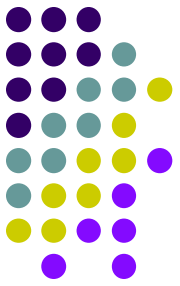
First and Last Name

For example, type "Jane Smith" and then press the RETURN key.

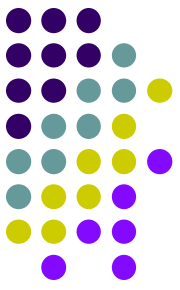
MATC ID number

For example, 9876543

Tips/Rules of Thumb



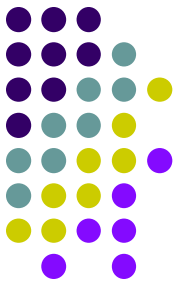
- If you've got time to ask for permission before using materials, you should.
- Just because asking for permission is tedious or difficult, you are not freed from the burden of doing so if fair use does not apply. (Lawmakers are looking for ways to make it possible for the public to use copyrighted works where the rights-holder is hard to find or where the works were “abandoned.”)



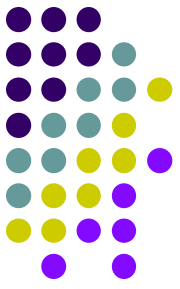
Tips/Rules of Thumb

- When you ask for permission, be prepared to abandon your plan to copy an item—the copyright holder might never reply.
- Just because you are using materials in education does not mean that your use of copyrighted materials without permission meets all the “fair use” factors.
- There are no hard and fast rules on what is fair use; only a court of law can decide.

Tips/Rules of Thumb

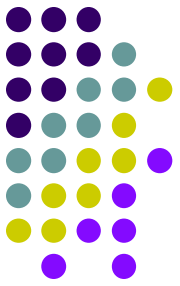


- Everything on the Internet is not in the public domain and free for everyone to use. Much of it is protected by copyright law just the same as print materials.
- Linking to a site rather than copying is one way to avoid the concerns that copying without permission has. However, you should not link to a site that you have reason to believe contains illegally reproduced materials.



Tips/Rules of Thumb

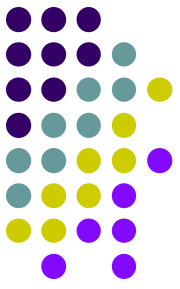
- Whenever you copy something include a copyright notice and be sure to cite the work.
- Passwording a web site does not free you from abiding by copyright guidelines/laws related to any copyrighted materials you reproduce and place on that site.
- Preventing students from printing a document does not necessarily free you from applying the fair use factors related to copyright.



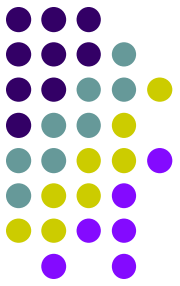
For more information

- Library web site:
<http://matc.edu/library/matchlibrary.html>

Library's role in copyright



- We can assist the campus on copyright issues.
- We create guidelines related to copyright for the library's services.
- The MATC General Counsel office has reviewed much of what we have written.
- The library can offer information, **but not legal advice on copyright** or similar issues; go to the General Counsel office if you have legal issues.



Acknowledgements

Thank you to the following individuals for their assistance with this presentation.

- Shelley Peschel, Librarian
- Merlene Cain, Circulation Manager