Copyrights exist from the moment a work is created in a tangible form.
What is a Copyright?

- Protects original works of authorship fixed in a tangible medium of expression
- Usually applies to:
  - Literary works
  - Musical works
  - Dramatic works
  - Pantomimes
  - Choreographed works
  - Pictorial, graphic, sculptural works
  - Motion pictures
  - Other visual works
  - Sound recordings
  - Architecture
- Does NOT apply to:
  - Ideas
  - Processes
  - Systems
  - Methods
  - Principles
  - Discoveries

TRUE OR FALSE?

Copyrightable works must be registered to be subjected to Copyright laws.

Copyright Registration

- Not a requirement
- Allows for damages
- Forms available online at Copyright.gov
- Self-marking ©
**TRUE OR FALSE?**

Copyright protection only keeps other people from making physical copies of the work.

**Copyright Protection**

- **Make copies**
- **Public performance**
- **Prepare derivative works**
- **Distribute to the public**
- **Public display**

**Exclusive Rights**

**TRUE OR FALSE?**

I can’t use any materials that are under copyright in my classes.
What is Fair Use?

- Allows for certain uses of copyrighted materials
  - Criticism
  - Parody
  - Satire
  - Comment
  - News reporting
  - Teaching
  - Scholarship
  - Research

Courts look at:
- Purpose and character of use
- Nature of © work
- Amount and substantiality of used portion compared to the whole
- Effect on the market

TRUE OR FALSE?

As a professor, I can show a Netflix video to my face-to-face class.

Public Performance and the Classroom

- Ok in class
- Necessary to meet a non-profit educational objective
- Can’t come from administration
- Does NOT extend to programs outside of the classroom or to distance ed
- Movies can be purchased with educational use licenses – ask a librarian!
**TRUE OR FALSE?**

As a professor, I can make enough copies of a book chapter for each student in my face-to-face class.

---

**Handouts**

- May be ok in class
- Necessary to meet a non-profit educational objective
- Can’t come from administration
- Not workbooks
- 1 copy per student
- 10 pages or < 10%

---

**But what about online courses?**
TRUE OR FALSE?

It is not a violation of copyright to link to another website on my course page.

Links
• Linking is ok, especially where the library pays for the resource or holds a license (ask a librarian!)
• Copying is not ok

Images
• Google images advanced search
• Creative Commons
• Free to use or share (or modify)
• Google is not responsible for the accuracy

TRUE OR FALSE?

I can put anything on e-reserve for my online courses.
Georgia State and E-Reserves

- Previously
  - Non-profit educational purpose
  - Journal articles, class notes
  - 1 chapter or less than 10%
  - No consecutive semesters
- Georgia State case = 350 page opinion
- Currently
  - Non-profit educational purpose
  - Non-fiction, educational materials
  - Books of nine or fewer chapters
    - < 10% of total page count
  - Books of ten or more chapters
    - < one complete chapter
  - Consecutive semesters ok
  - Look for digital licenses before scanning

The TEACH Act

- Requirements
  - Educational, non-profit institution
  - Use in mediated studies
  - Limited to specific number of students enrolled in class
  - Live or asynchronous courses
  - Cannot include textbooks
  - Reasonable and limited portions of materials
  - Institutional copyright policies must be published
  - Technological measures required to ensure compliance
- Does NOT apply to
  - E-reserves
  - ILL items
  - Commercial document delivery
  - Textbooks
  - Analog-to-digital materials (with exceptions)

TRUE OR FALSE?

The fair use rules for libraries are the same as the other fair use rules.
Special Considerations for Libraries

Make one copy where
• Purpose isn’t to make money
• Library is open to the public and/or outside researchers
• Notice of copyright

Make three copies where
• Copies are for digitization/preservation OR
• Copies are to replace damaged/stolen/lost
• The item is currently in the collection
• Copies are only available in the library

Hathitrust and Library Fair Use

• Univ. of California, Univ. of Michigan, Indiana Univ., Univ. of Wisconsin, Cornell, and Google sued by Authors Guild
• Scanned millions of books for
  • Full-text searches
  • Preservation
  • Access for people with disabilities
• First factor: completely transformative
• Second factor: not dispositive
• Third factor: entire copies were necessary
• Fourth factor: different markets, no harm

• What does it mean?
  • Social value of digitized texts was reinforced by the court
  • Use of technology is “the new normal” and copyright must adjust

Where do Interlibrary Loans fit in?
Interlibrary Loans

• Libraries can make one copy of an item where
  • The request is from an other library
  • The request is “small”
    • Journal articles
    • Chapters
  • The copy becomes the property of the user and is for
    • Private study
    • Scholarship
    • Research
  • Copyright warnings are included on the item lent through ILL
• Special considerations for items retrieved through electronic resources

TRUE OR FALSE?

As a professor, I can borrow books through interlibrary loan and scan them into my personal collection.

Materials borrowed through ILL

• No liability for libraries – liability on the END user for any infringement
• When infringement happens
  • YOU will be sued
  • Stetson will be sued
  • Damages will be awarded
    • $1.00 - $1.9 million
For more information

- Stetson’s copyright policies
- U.S. Copyright Office
  - http://www.copyright.gov
- Columbia Copyright Advisory Office
  - http://copyright.columbia.edu/copyright/
- Copyright Clearance Center
  - http://www.copyright.com/
- Educause Copyright Library
  - http://www.educause.edu/library/copyright
- MIT addendum examples
  - http://libraries.mit.edu/scholarly/mit-open-access/open-access-at-mit/mit-amendment-form/

Questions?

Ashley Krenelka Chase
akrenelk@law.stetson.edu