

# Avoiding Copyright Violations in the Digital Age

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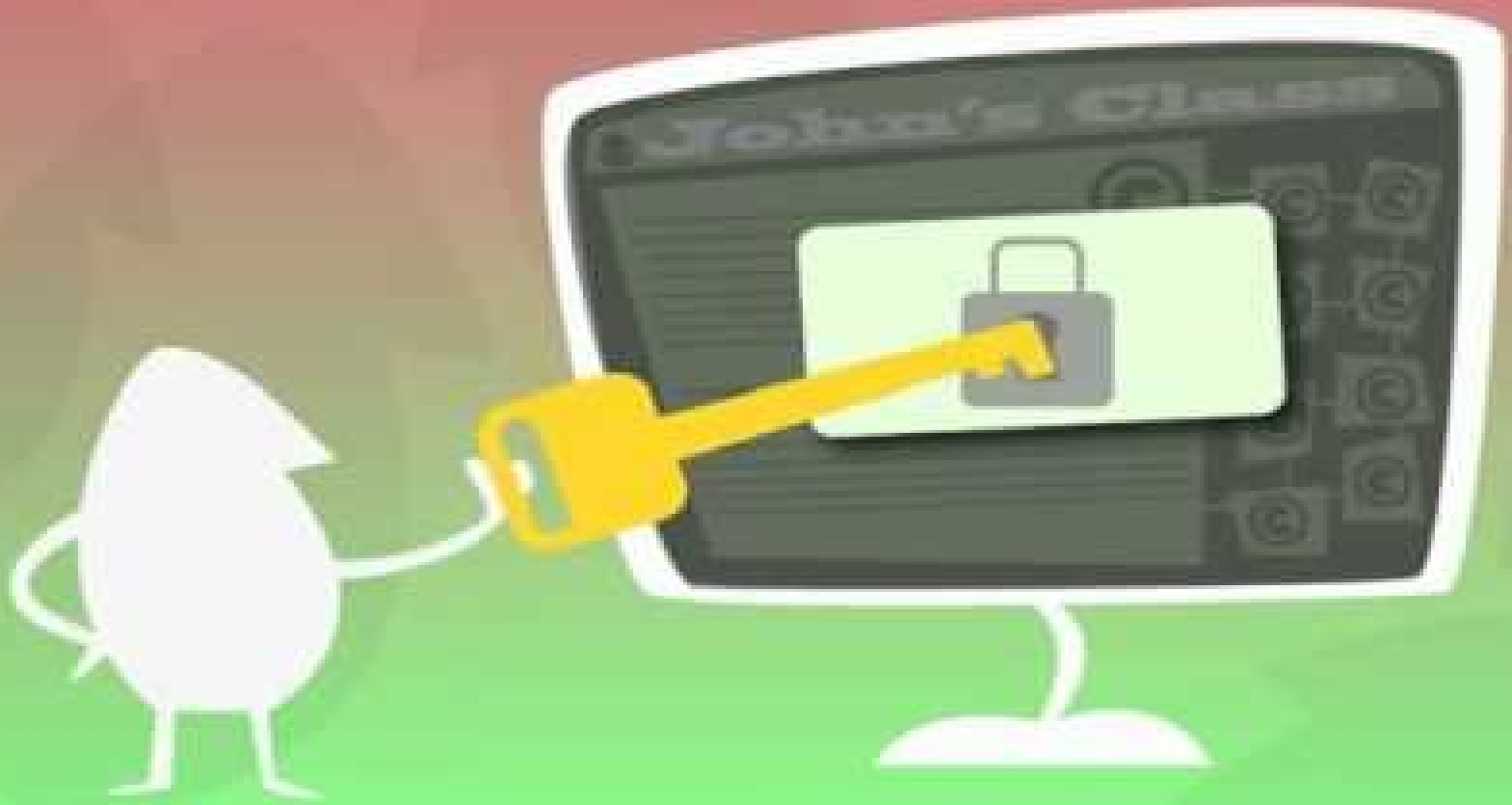
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# Session Goals

1. Explore Foundations of Copyright
2. Understand Limits of Fair Use
3. Obtaining a License to Use Work

VIDEO: Copyright on Campus (from Copyright Clearance Center)

<https://www.youtube.com/watch?v=2UWaQK5Wbvs>



# Copyright Basics

- Copyright law protects the original literary, dramatic, musical, and artistic works by granting the creator with certain exclusive rights.
- Civil fines up to \$150,000 per violation and possible criminal conviction!

# Creator's Exclusive Rights

- To reproduce the work;
- To prepare derivative works based upon the work;

SPECIAL COMMEMORATIVE 75TH-ANNIVERSARY EDITION

# GONE WITH THE WIND

MARGARET MITCHELL

DAVID LIVINGSTON



THE NEW YORK TIMES BESTSELLER

A provocative literary parody that explodes the mythology perpetrated by a Southern classic

# THE WIND DONE GONE



SCOOB BOOKS

ALICE RANDALL

"Candid, intimate, sexy, subversive." — *Elle*

"The Wind Done Gone moves up right to the tower." — *Los Angeles Times*

# Creator's Exclusive Rights

- To reproduce the work;
- To prepare derivative works based upon the work;
- To distribute copies;
- To perform the work publicly;
- To display the work publicly; and,
- Other rights.



# Avoid Liability for Copyright Violation

- Library Licensure
  - Databases
  - E-books
  - Print
- Creative Commons License (use with attribution)
- Open Source/Public Domain
- National Copyright Clearance Center

“When it is impracticable to obtain permission, you should consider avoiding the use of copyrighted material unless you are confident that the doctrine of fair use would apply to the situation....If there is any doubt, it is advisable to consult an attorney.”

U.S. Copyright Office  
June 2012

# Fair Use Exception

- Third parties have a limited right to copy and use copyrighted works for criticism, comment, news reporting, teaching, scholarship, and research.
- The limits of the Fair Use Exception will never be crystal clear.

# Fair Use is Determined by...

1. The **purpose and character** of the use, including whether such use is of a commercial or non-profit nature;
2. The **nature** of the copyrighted work itself;
3. The **amount and substantiality** of the portion used in relation to the copyrighted work as a whole; and,
4. The **effect** of the use on the potential market for, and value of, the copyrighted work.

# Fair Use Checklist

## CHECKLIST FOR FAIR USE

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project

Name: -

Date:

\_\_\_\_\_

\_\_\_\_\_

-

-

Department:

Project:

<u>Favoring Fair Use</u>	<u>Purpose</u>	<u>Opposing Fair Use</u>
<input type="checkbox"/> Teaching <input type="checkbox"/> Research <input type="checkbox"/> Scholarship <input type="checkbox"/> Nonprofit Educational Institution <input type="checkbox"/> Criticism <input type="checkbox"/> Comment <input type="checkbox"/> News Reporting <input type="checkbox"/> Transformative or Productive Use <input type="checkbox"/> Restricted Access <input type="checkbox"/> Parody		<input type="checkbox"/> Commercial Activity <input type="checkbox"/> Profiting from the Use <input type="checkbox"/> Entertainment <input type="checkbox"/> Bad-Faith Behavior <input type="checkbox"/> Denying Credit to Original Author
<u>Favoring Fair Use</u>	<u>Nature</u>	<u>Opposing Fair Use</u>
<input type="checkbox"/> Published Work <input type="checkbox"/> Factual or Nonfiction Based <input type="checkbox"/> Important to Educational Objectives		<input type="checkbox"/> Unpublished Work <input type="checkbox"/> Highly Creative Work (Art, Music, Film) <input type="checkbox"/> Fiction
<u>Favoring Fair Use</u>	<u>Amount</u>	<u>Opposing Fair Use</u>
<input type="checkbox"/> Small Quantity <input type="checkbox"/> Portion Used is Not the Essence of Work <input type="checkbox"/> Amount is Appropriate for Educational Purpose		<input type="checkbox"/> Large Portion or Whole Work is Used <input type="checkbox"/> Portion Used is Central or "Heart of the Work"
<u>Favoring Fair Use</u>	<u>Effect</u>	<u>Opposing Fair Use</u>
<input type="checkbox"/> User Owns Lawfully Acquired Copy of Original Work <input type="checkbox"/> One or Few Copies Made <input type="checkbox"/> No Significant Effect on the Market or Potential Market for Copyrighted Work <input type="checkbox"/> No Similar Product Marketed by Copyright Holder <input type="checkbox"/> Lack of Licensing Mechanism		<input type="checkbox"/> Could Replace Sale of Copyrighted Work <input type="checkbox"/> Significantly Impairs Market or Potential Market for Copyrighted Work or Derivative <input type="checkbox"/> Reasonably Available Licensing Mechanism for Use of the Copyrighted Work <input type="checkbox"/> Affordable Permission Available for Using Work <input type="checkbox"/> Numerous Copies Made

# Questions & Answers...Maybe



## Additional Resources:

- <http://www.knowyourcopyrights.org/resourcesfac/kycrbrochure.shtml>
- [www.copyright.gov](http://www.copyright.gov)
- <http://faytechcc.libguides.com/copyright>