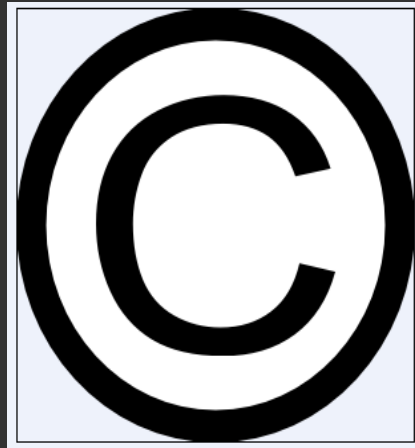


Copyright Basics



RVC Fall Conference Day

Sept. 6, 2016

Presented by Brent Eckert

Technical Services Librarian

Disclaimer

- The information presented here does not constitute legal advice.
- If you need legal advice you should consult an attorney who specializes in copyright law.

What is Copyright?

- Purpose: to benefit the public by advancing the progress of science and the useful arts
- For expressions that are “original” and “fixed in a tangible medium”
- Is for a limited time period
- Is a limited, statutory monopoly

Exclusive Rights of Copyright Holder

- To reproduce copyrighted work in copies
- To prepare derivative works based on copyrighted work
- To distribute copies to the public
- To perform copyrighted work publicly
- To display copyrighted work publicly
- To perform copyrighted work publicly by means of digital audio transmission

Obtaining Copyright

- Automatic
- Copyright statement
- Registering copyright: www.loc.gov/copyright
- Benefits of registering:
 - Legal record of copyright ownership
 - Necessary to file infringement suit
- RVC faculty retain copyright ownership of works created for teaching purposes (RVCFA contract 5.4)

Public Domain

- Anything not covered by copyright law
- Published in U.S. before 1923
- U.S. government documents
- Anything that creator expressly states is not copyrighted

PUBLISHED WORKS

TIME OF PUBLICATION IN THE U.S.	CONDITIONS	PUBLIC DOMAIN STATUS
Before 1923	None	In public domain
Between 1923 and 1978	Published without a copyright notice	In public domain
Between 1978 and 1 March 1989	Published without a notice, and without subsequent registration	In public domain
Between 1978 and 1 March 1989	Published without notice, but with subsequent registration	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation
Between 1923 and 1963	Published with notice but copyright was not renewed*	In public domain
Between 1923 and 1963	Published with notice and copyright was renewed**	95 years after publication date
Between 1964 and 1978	Published with notice	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation
Between 1978 and 1 March 1989	Published with notice	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation
After 1 March 1989	None	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation

* A 1961 Copyright Office study found that fewer than 15% of all registered copyrights were renewed. For textual material (including books), the figure was even lower: 7%.

** A good guide to investigating the copyright and renewal status of published work is Samuel Demas and Jennie L. Brogdon, "Determining Copyright Status for Preservation and Access: Defining Reasonable Effort," *Library Resources and Technical Services* 41:4 (October, 1997): 323-334.

Determination of Public Domain Status

- Chart of variations in law over time:
<http://www.unc.edu/~unc1ng/public-d.htm>
- U.S. Copyright Office records:
<http://www.copyright.gov/>
- Stanford Copyright Renewal Database:
<http://collections.stanford.edu/copyrightrenewals>
- Web sites of public domain works:
 - Project Gutenberg <http://www.gutenberg.org>
 - Internet Archive <http://www.archive.org>
- Contact librarian (Eckert) for assistance

Alternatives to Copyright

- Creative Commons: www.creativecommons.org

Fair Use Doctrine

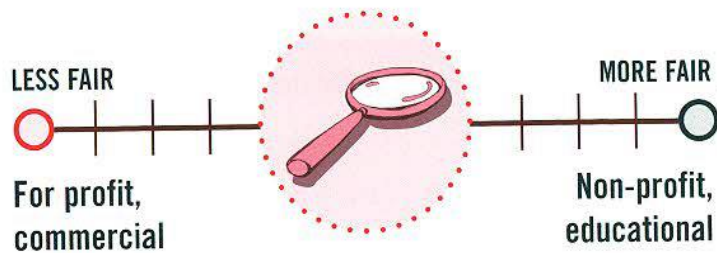
Four Criteria

- Purpose and nature of use
- Nature of the copyrighted work
- Amount and substantiality of the portion used in relation to the copyrighted work as a whole
- Effect of the use upon the potential market for or value of the copyrighted work

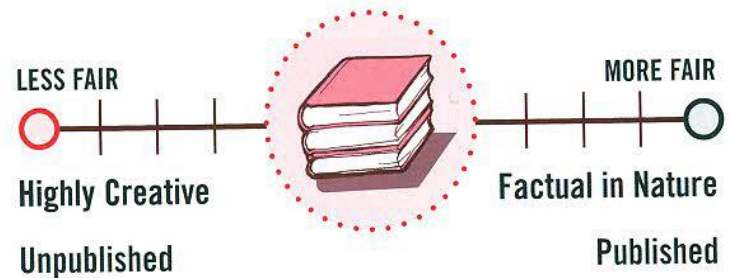
FAIR USE CONTINUA

The following four continua shed light on the Four Factors of Fair Use

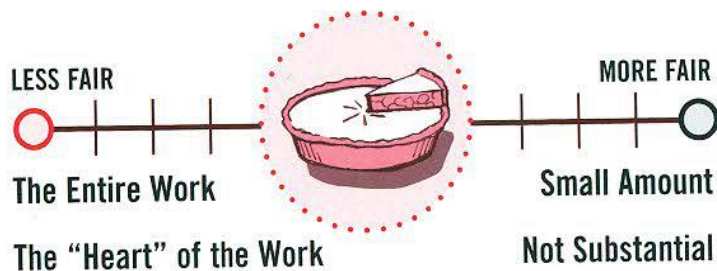
PURPOSE of the Use



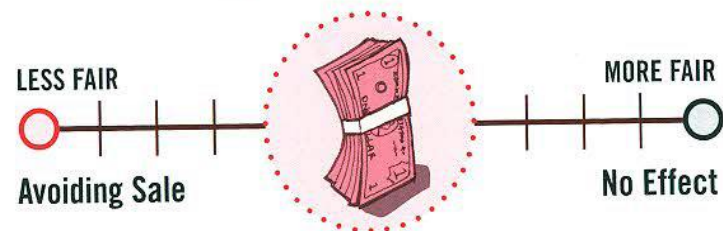
NATURE of the Publication



AMOUNT and Substantiality of the Whole



EFFECT on the Market



Fair Use Guides

- American Library Association checklist:
<http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/copyright/FairUseChecklist.pdf>
- Columbia University Libraries checklist:
<https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>
- Spontaneous vs. repeated or long-term use

TEACH Act

- 2002 copyright law amendment specifically addressing distance education
- Concerns digital works and digital transmission
- Digital = greater ease of unlawful copying and dissemination
- Additional safeguards required

TEACH Act elements

- Must be lawfully made and acquired copies
- Must be accredited and non-profit educational institution
- Must be within confines of “mediated instructional activities”
- Don’t use entire works unless necessary
- Limited to enrolled students

TEACH Act elements (cont'd)

- Must use technological protection measures that reasonably prevent:
 - Retention of work beyond class need
 - Unauthorized further dissemination of work
- Institution must have copyright policies
- Institution must provide educational resources on copyright
- Students must be alerted that works may be protected by copyright

Copyright and Eagle

- Audio/video works on Eagle
 - Cannot be downloaded by students (TEACH Act compliant)
- Print works on Eagle
 - Fair use or get permission
- CCC best practices for course management systems:

<http://www.copyright.com/wp-content/uploads/2015/04/Using-Course-Management-Systems.pdf>

Getting Permission

- Copyright Clearance Center:
www.copyright.com
- Contact copyright holder directly
- Copyright Crash Course (U of Texas):
<http://guides.lib.utexas.edu/copyright/permission>
- Document your efforts in attempting to get permission

Library Reserves

- Lawful copies only
- Photocopy of articles allowed (renew every semester)
- Multiple copies allowed only as needed to meet demand
- Textbooks allowed on reserve (Library does not purchase textbooks)
- Reserve items cannot circumvent student purchase of required textbooks

Best Practices

- When in doubt, assume work is copyrighted
- Use public domain resources when possible
- Always link whenever possible
 - Link to articles in library online databases
- Always include copyright statement
- Make as few copies as possible
- Seek permission for repeated use

Why Care About Copyright?

- It's the law!
- Professional ethics
- RVC Student Learning Outcomes:
 - Personal Responsibility: 2. "Students will demonstrate civil, ethical, and professional behavior"
- You are responsible for copyright compliance!

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