

What to do...

- ❖ if you want to maintain scholarly integrity
- ❖ behave ethically
- ❖ and not get sued



-- from The Simpsons Television show, "Hurricane Neddy" episode, originally aired December 29, 1996. Meme created with the Frinkiac, <https://frinkiac.com>

Let's Reframe the Discussion

Copyright is meant

“To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” -- U.S. Constitution, 1788

There are plenty of ways to do what you want

But first you will need to...

① Establish copyright

✦ [http://copyright.cornell.edu/
resources/publicdomain.cfm](http://copyright.cornell.edu/resources/publicdomain.cfm)

If the material is under Copyright

② Consider Use (Possibly Fair Use)

- ❖ In classroom use (face-to-face or virtual...but only in a closed environment)

[http://www.copyright.gov/
title17/92chap1.html#110](http://www.copyright.gov/title17/92chap1.html#110)

- ❖ Preservation (may need to be restricted)
- ❖ Fair Use (for all else)

Fair Use – 4 Factors

- ❖ the purpose and character of your use
- ❖ the nature of the copyrighted work
- ❖ the amount and substantiality of the portion taken
- ❖ the effect of the use upon the potential market

Purpose and Character of Use

- ❖ Is this for educational/scholarly/journalistic use?
- ❖ Will you be making a profit from the use of this content?
- ❖ Is your use transformative?
 - ❖ This includes parody.

Nature of the Copyrighted Work

- ❖ Is the original work factual or creative?
- ❖ Is the original work published or unpublished?

Amount Taken

- ❖ What % of the work are you using?
- ❖ Could the content you are using be considered the “heart” of the work?

Effect of Use Upon Market

- ❖ Would your use of the work have an effect on the income of the original author/creator (from this work)?
 - ❖ Parody is exempt.

Digital Content is...Special

- ❖ You may not know, nor be able to find out when something was created or who created it. The work may be considered “orphaned.” There is proposed legislation to help clarify.
- ❖ Something may be out of copyright, but the owning institution may want to license the use of the digitized material.
- ❖ It is best practice to cite the owning institution, in addition to the actual copyright holder (if one is identified).

Now it's time for a TEST!!

You may also be interested in...

Best practices for your industry:

- ❖ <http://www.cmsimpact.org/fair-use/best-practices/set-principles-fair-use-journalism>

Fair Use Panel Discussion: 2/24/16 & 2/25/16 from 2:00-4:00PM at MMC Library (GL 220)