Joy of Copyright
ITEACH
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Copyright Myths

• “Any works found on the Internet must be in the public domain.”
• “If it doesn’t have a copyright notice, it must not be copyrighted.”
Copyright Myths

• “I can use an image from a work in my dissertation.”

• “I can use any content from an e-mail that someone sent to me.”
Copyright Myths

• “If I’m in education, everything is fair use.”

• “If the library has it in their possession, I can use it without permission.”
Open Discussion

• Do you encounter copyright issues in your teaching?

• Do you have problems getting permissions to use materials for e-reserves (or other permissions issues)?

• How do you teach your students about copyright?
Copyright Basics

• Copyright attaches at the point of fixing in a tangible format

• Applies to books, poems, films, songs, recordings, paintings, photographs, computer software, architectural drawings and works

• Lasts the lifetime of the author plus 70 years
Author Rights
(17 USC 106)

• Reproduce
• Prepare Derivative Works
• Distribute Copies to the Public by Sale, Rental, Lease or Lending
• Perform the Work Publicly
• Display the Work Publicly
Non-Copyrightable Materials and Public Domain

• U.S. Government Documents are not copyrightable
• Generally, works created before 1923 are in the public domain.
At WashU

• Faculty: Presumed to be the author unless:
  
  – Substantial university support involved (patentable)
  – University has some interest
At WashU

• Staff (Including Student Workers)
  – Presumed to be “works for hire” and the University owns copyright
At WashU

• Students
  – Presumed to be the author, including class work
  – *Instructors need to have students’ explicit permission to publish their works in writing*
And So...

• Since faculty are considered authors, they are responsible for complying with the law.

• Be careful about what rights you give publishers!
Fair Use Factors
(17 USC 107)

• Fair Use: The Four Factors (and all of them count!)
  • 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 market
More “Factors”

• How much is the copyright holder going to fight you? (Risks)

• The more “transformative” the use, the more favorably a court would look upon it!
Libraries and Archives
(17 USC 108)

– May reproduce for preservation or replacement

– May have unsupervised use of photocopy machines (with copyright notice)

– May engage in interlibrary loan
Library Licenses

• Libraries sign *license agreements* with database, e-journal, and software vendors. It may permit you to use copies in the classroom for e-reserves, and for interlibrary loan purposes.

• Similarly, ask about Public Performance Rights for films and videos if you are showing it to more than a group of friends in your living room.

• On the Internet, look for licenses from Creative Commons.
Education
(17 USC 110)

- Classroom performance & display OK for nonprofit educational institutions
- No admission charge
- Integral to instruction
- Rules are more restrictive for distance education (TEACH Act)
Useful Tools/Resources

• Copyright Libguide: http://libguides.wustl.edu/copyright

• Scholarly Communications website: http://scholarlycommunications.wustl.edu/
Conclusion

• Responsibility is Yours
• Library is happy to help!
  – Reserves and e-reserves
  – Consultation
    • Permissions
    • Connect w/General Counsel’s office