

Joy of Copyright ITEACH

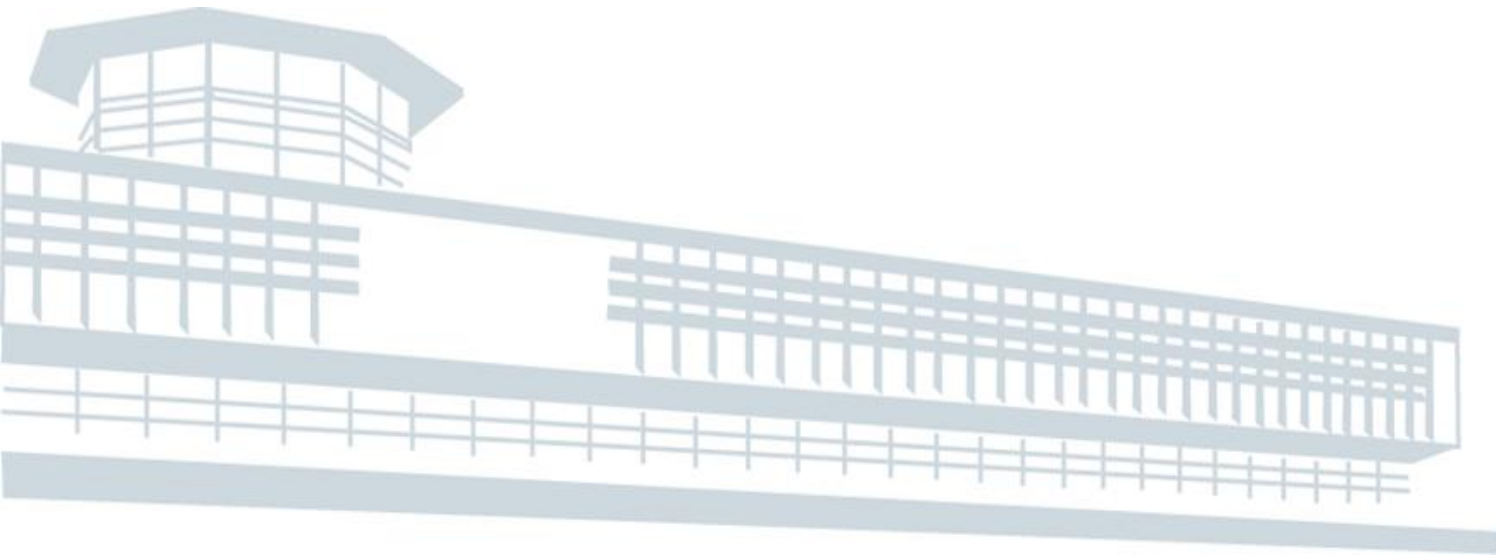
Thursday, January 14, 2010

*Barbara Rehkop, Subject Librarian,
University Libraries*



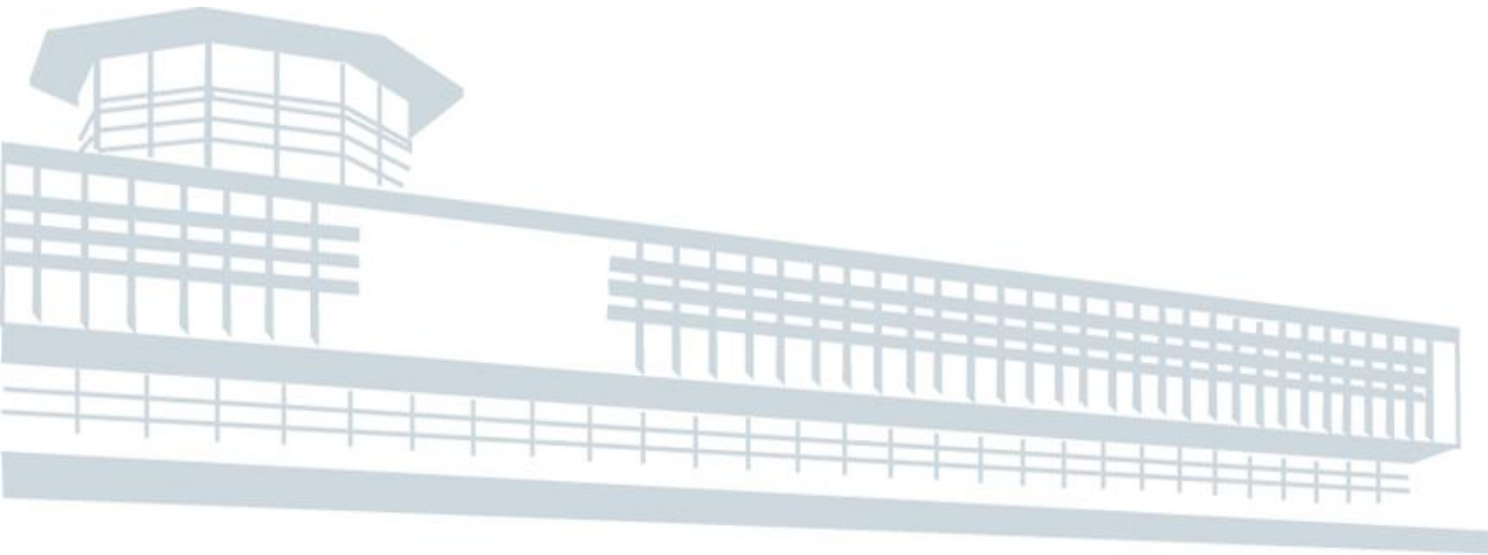
Copyright Myths

- “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.”



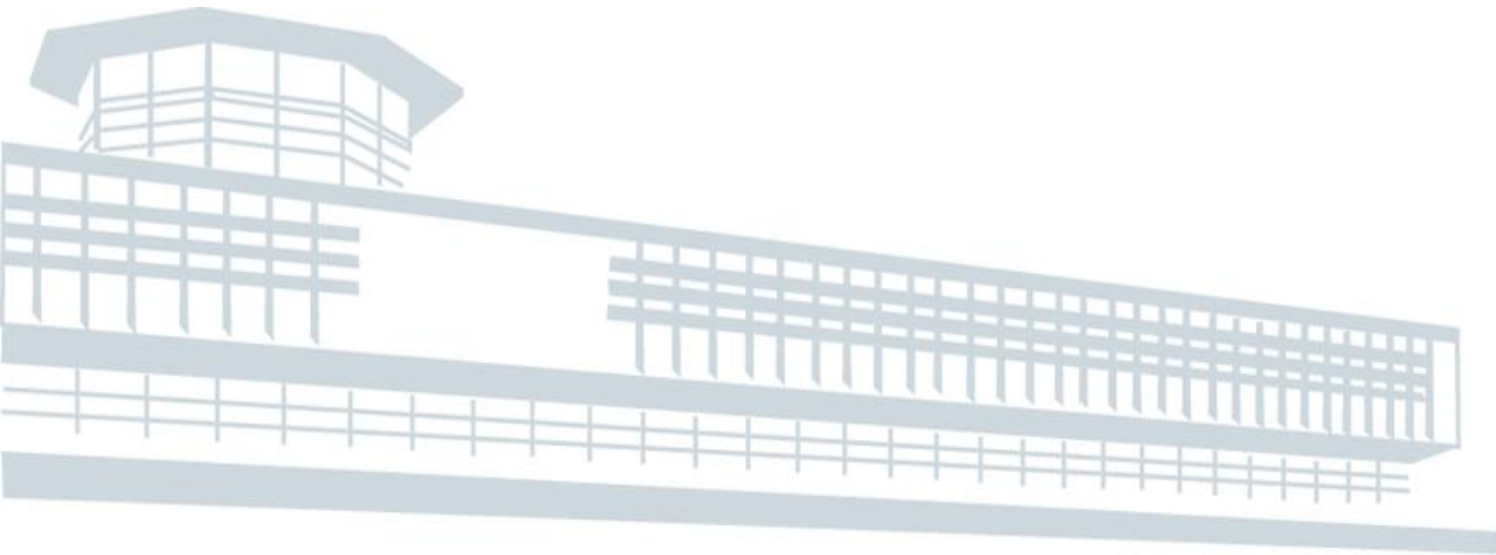
Copyright Myths

- “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.”



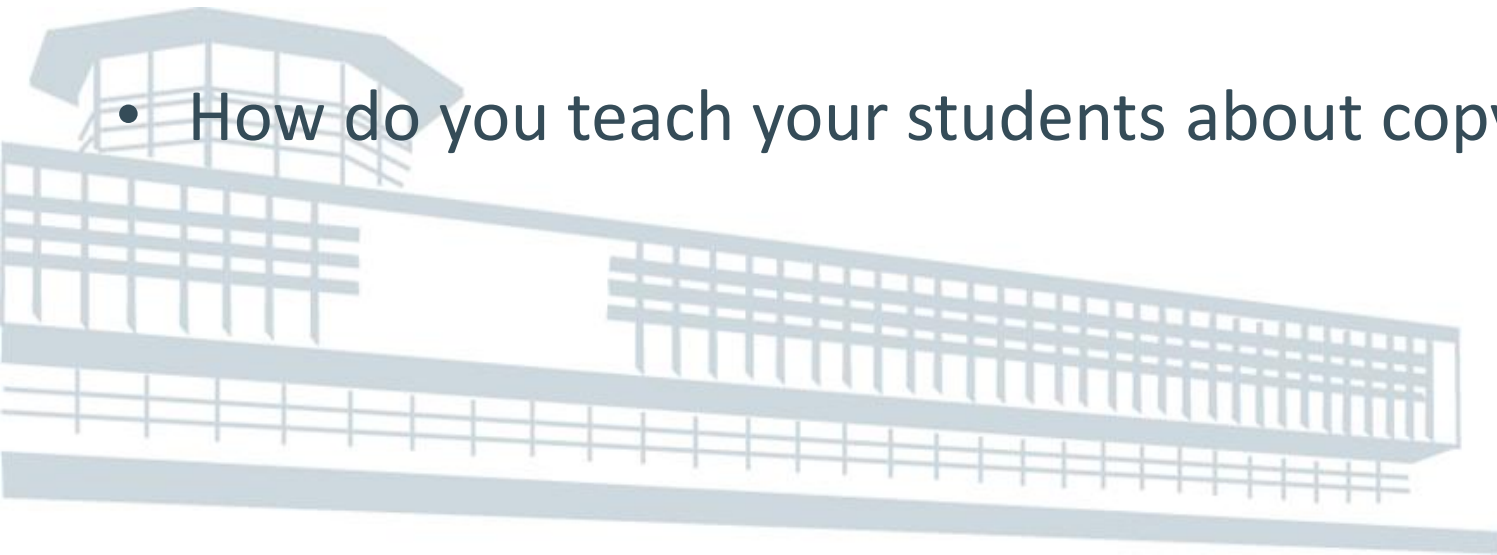
Copyright Myths

- “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

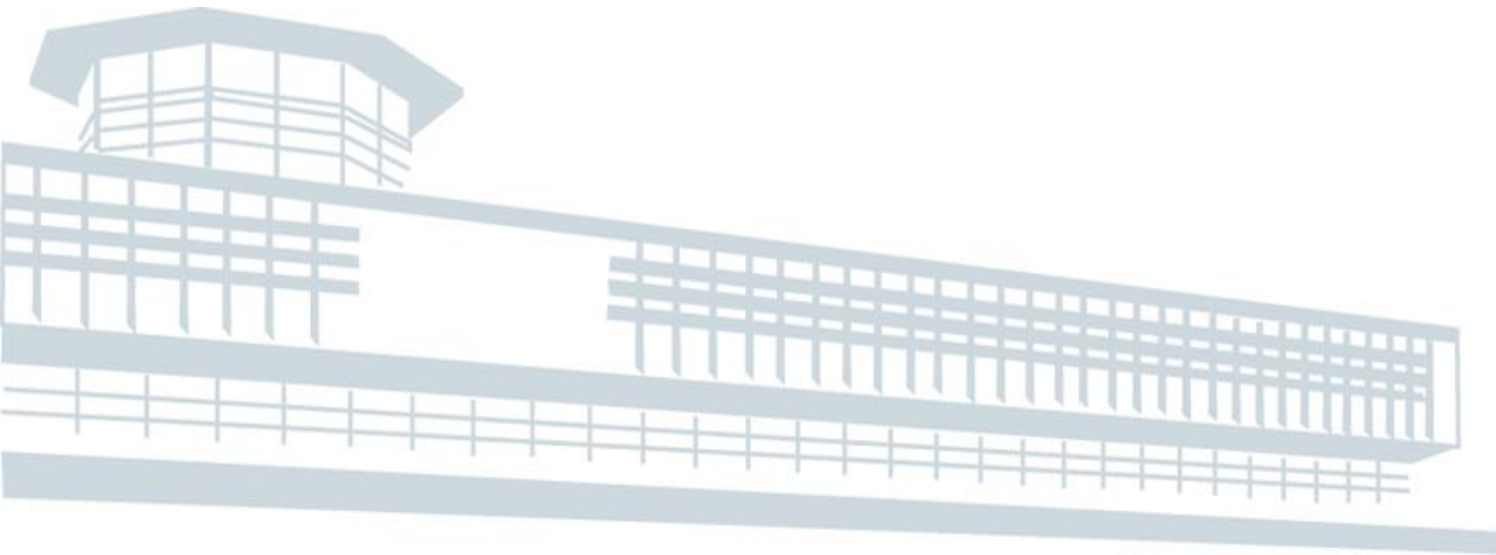
Author Rights (17 USC 106)

- Reproduce
- Prepare Derivative Works
- Distribute Copies to the Public by Sale, Rental, Lease or Lending
- Perform the Work Publicly
- Display the Work Publicly



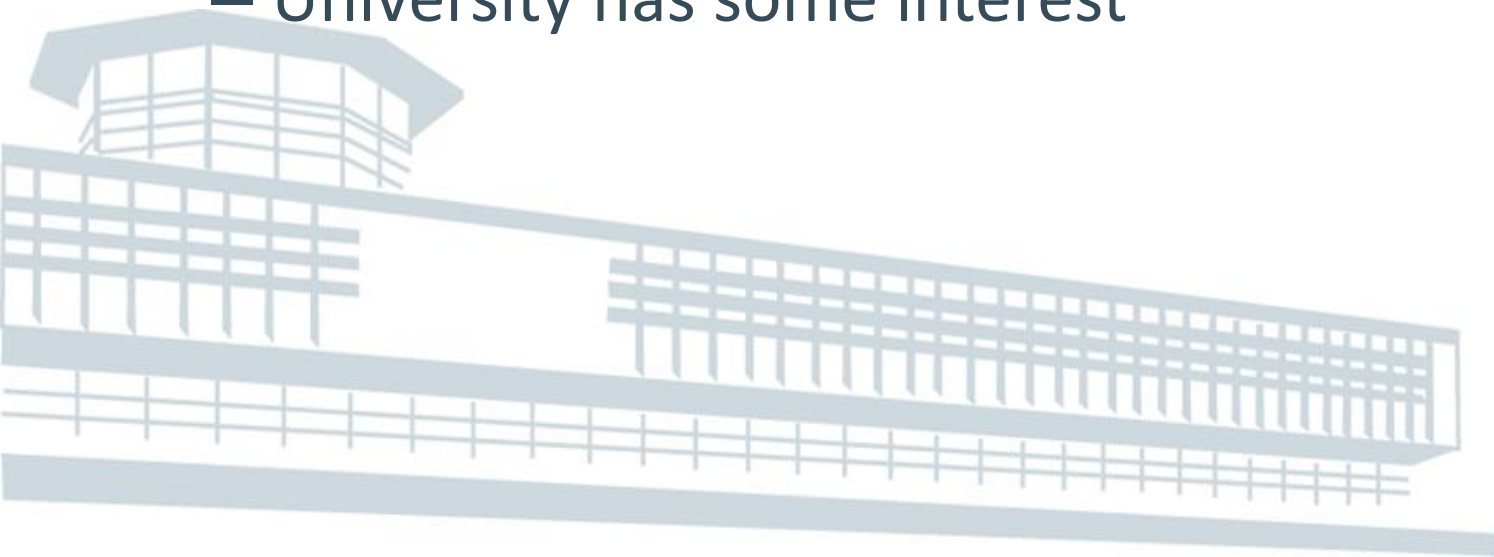
Non-Copyrightable Materials and Public Domain

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



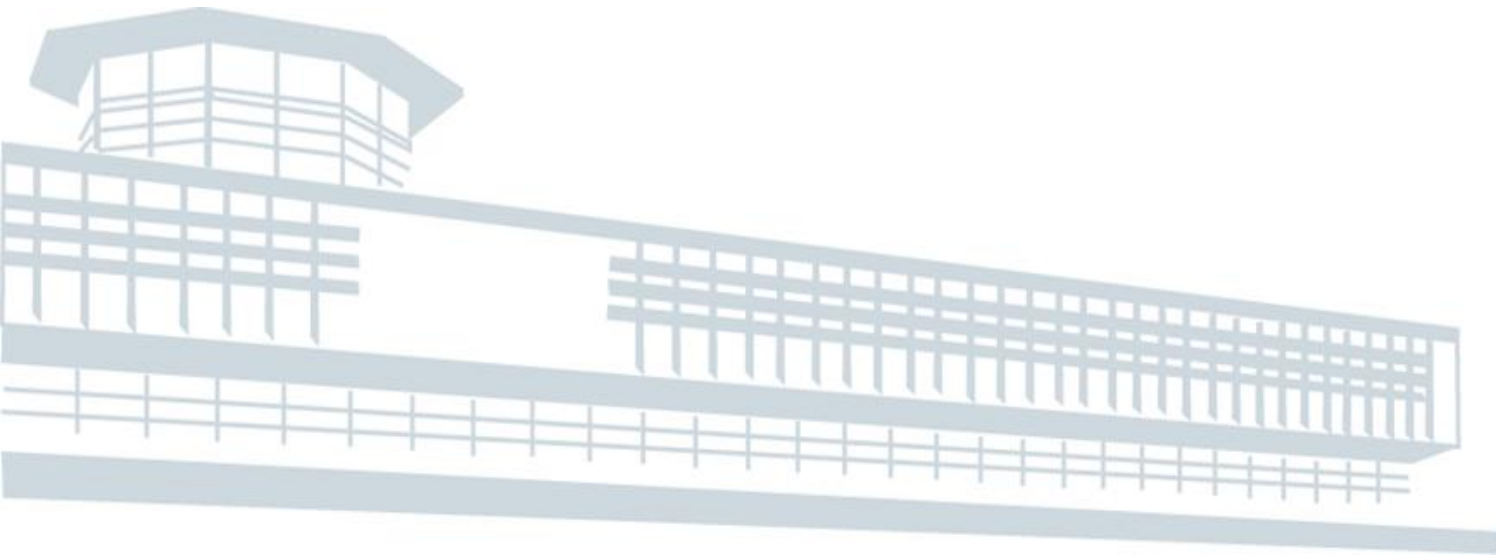
At WashU

- Faculty: Presumed to be the author unless:
 - Substantial university support involved (patentable)
 - University has some interest



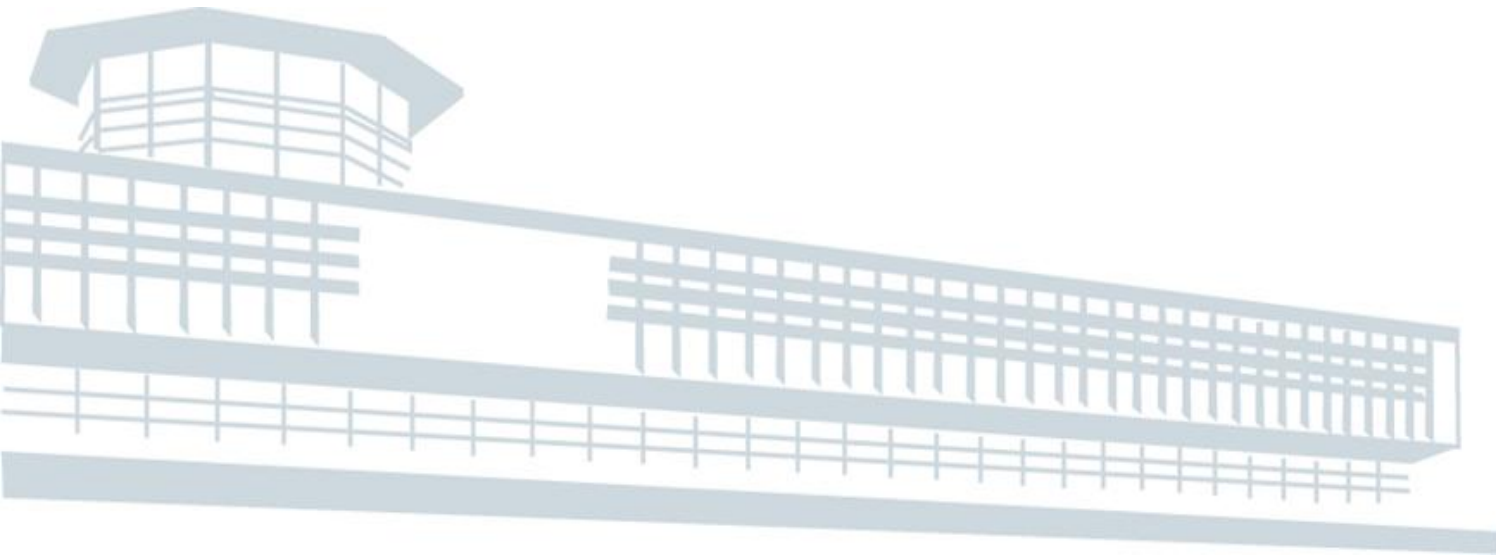
At WashU

- 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*



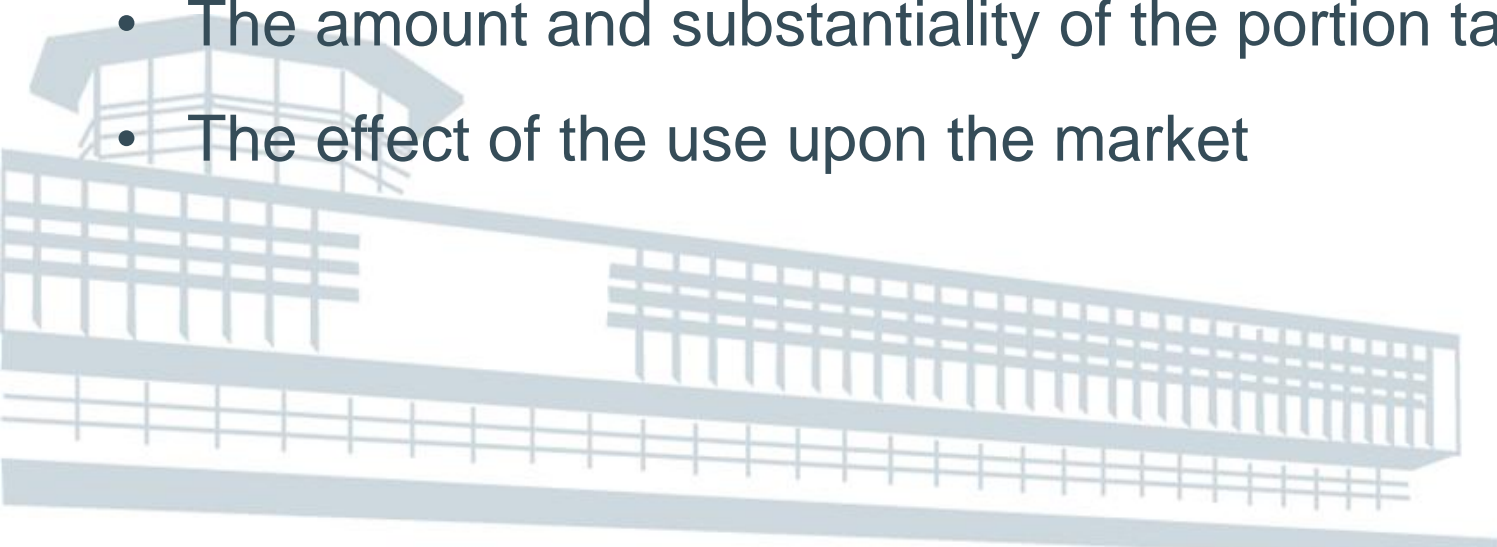
And So...

- Since faculty are considered authors, they are responsible for complying with the law
- Be careful about what rights you give publishers!



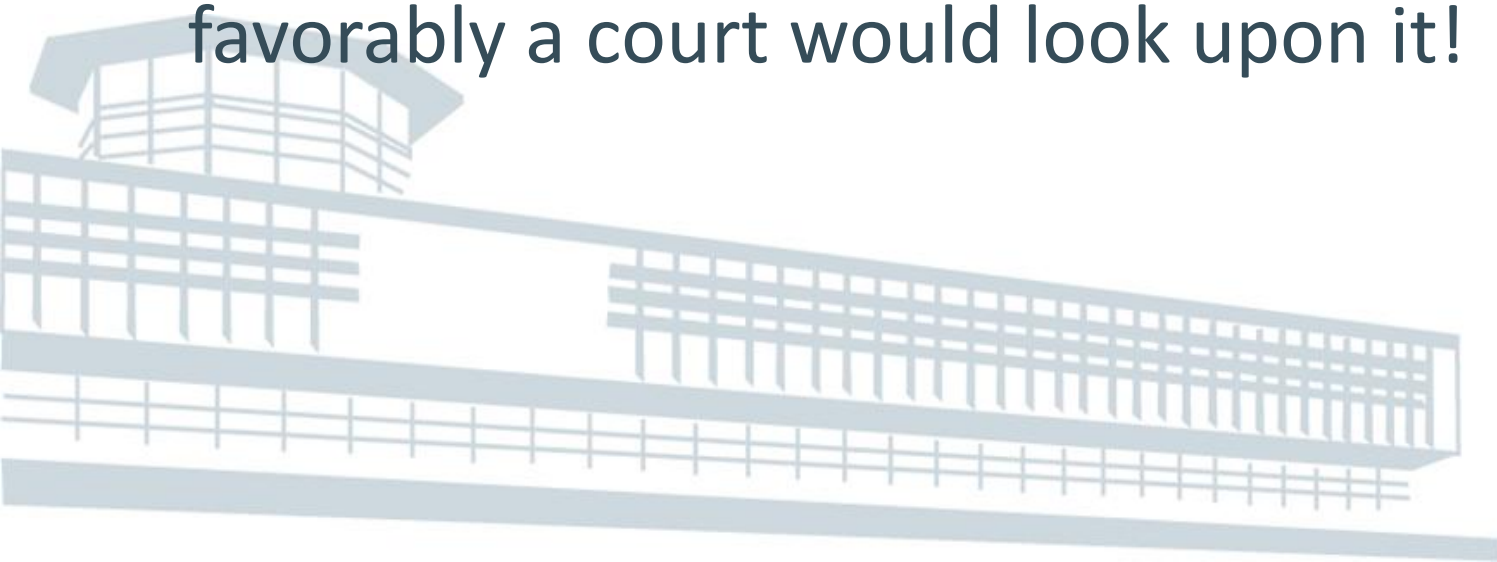
Fair Use Factors (17 USC 107)

- **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

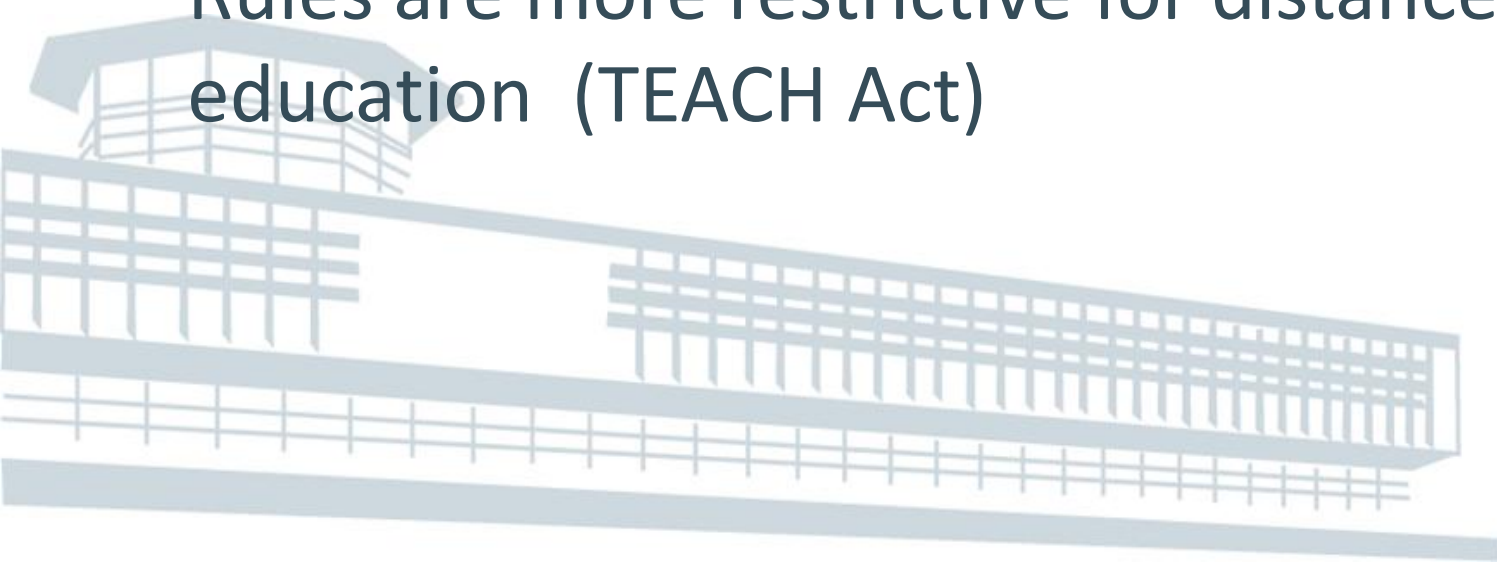


Library Licenses

- 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**.

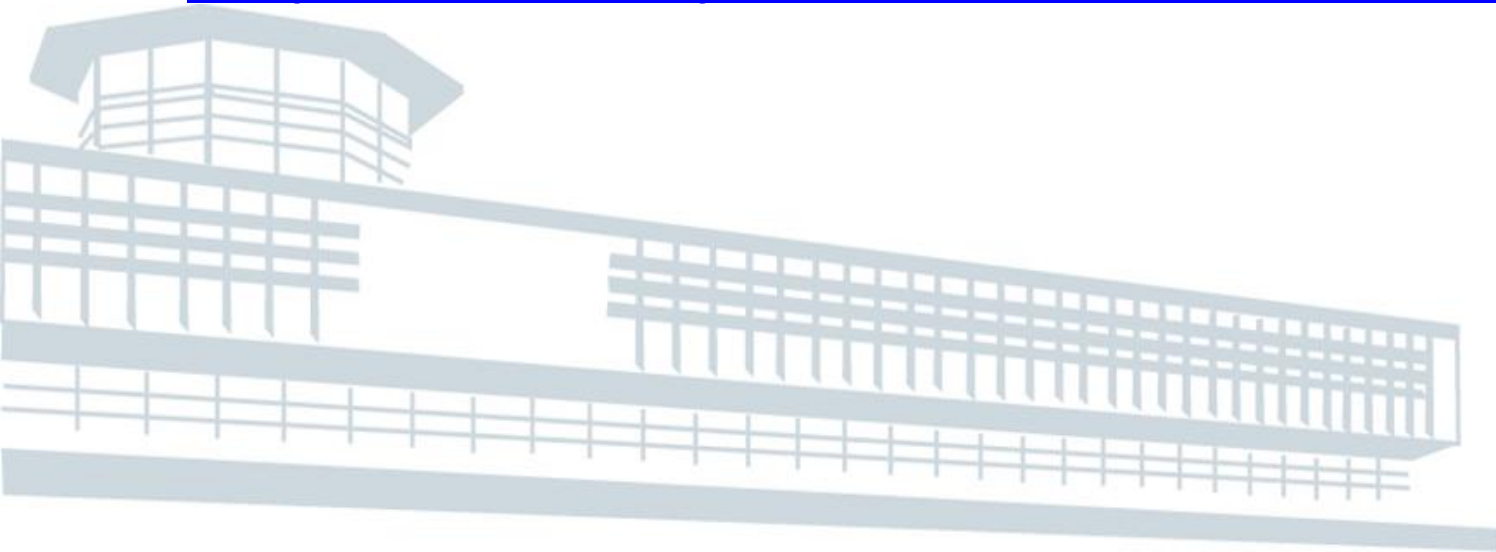
Education (17 USC 110)

- 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

