

# Copyright and Fair Use

## Open Access

LIB 1201

Wednesday, October 10, 2012

# Copyright

- Legal protection for a creative work in fixed form (book, music, film, artwork, blueprint; NOT an idea)
- Holder has exclusive rights to reproduce, distribute, alter, perform work; others have to pay for the right
- Check with the [digital copyright slider](#) – is the work copyrighted or in the public domain?
- Does copyright provide incentive for innovation?
- Would we have inventions & innovations without it?
- Do strict copyright laws force content users to be pirates?

# Creative Commons

- “Share, remix, reuse – legally.”
- The creation of a Digital Commons by users, for everyone
- Authors & creators – not publishers – assign rights to their works and distribute online (music, video, images, text)
- Choose a license lets you determine the rights of others to use your own work (first, be sure it’s copyrightable and that you have the rights)

# Fair Use and Higher Education

- Allows spontaneous use of a small portion of a work if it can be determined that obtaining permission would take too long, yields a social benefit, and that use does not damage the market for work
- ARL [Code for Fair Use](#) for use of copyrighted works in higher education
- There is no law; determined by courts on a case-by-case basis
- Guidelines are fairly straightforward for text & print; ambiguous for digital & time-based media
- Universities have been sued over Fair Use
  - In 2008 Georgia State University sued by publishers over e-reserves posted without permission on an unsecured university website; ruling in GSU's favor in 2012

# Open Access

## Under Current System

Access to research is not free; libraries pay for journal & ebook subscriptions

Universities pay twice: professors' salaries & annual subscription costs

New knowledge is behind a “paywall”

Taxpayers fund research yet cannot access it

## In Open Access Environment

New knowledge is disseminated without access restrictions

Open educational resources, curriculum development, textbooks

Students founded the [Right to Research Coalition](#) – asserting that access to research is a student right

**Open educational resources** – educational resources made available for reuse, remixing, sharing, redistributing

# Ethical Considerations

“A wealth of new possibilities awaits those who employ the new digital tools for creating and delivering compelling new content, yet these same tools make it easier than ever to plagiarize and pirate content.”

(Pavlik, *Media in the Digital Age*, p. 234)

# For Monday, October 15

*Discussion:* Metadata – information about information, taxonomies, folksonomies; metadata for non-text media; metadata challenges

*Reading:*

- Badke Ch. 4
- Dye, “[Folksonomy: A game of high-tech \(and high-stakes\) tag](#)”
- Harrod, “[It’s the playground of narcissistic teenagers and amateur photographers...](#)”

*Assignment:* Comment on at least one blog post