

Copyright and Fair Use

Open Access

LIB 1201

Wednesday, September 25, 2013

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)

The Four Factors of Fair Use

- 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
 - *Measuring Fair Use: the Four Factors* from Stanford University

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
- 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

Is that book, film, song, or game in the public domain?

- First, select a book, film, song, game, image, or other media that you think *might* be in the public domain
 - Books.google.com
 - Gutenberg.org
 - Your choice!
- Use the Copyright Slider to determine:
<http://librarycopyright.net/resources/digitalslider/>
- Ambiguities and gray areas? Discuss!

For Monday, September 30

Discussion: Privacy: changing definitions; challenges of digital media

Reading: Marshall, P. (2009, November 6).

[Online privacy](#). *CQ Researcher*, 19, 933-956.

Wu, [Why Monopolies Make Spying Easier](#)

Assignment: comment on at least one blog post

Discussion Facilitators: Sara, Livanesa, Moe