Copyright Issues at Your Institution: Got Questions? Got ANSWERS???

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Copyright and Questions

- New Intellectual Property
  - Computer Software
  - Digital Images
  - Websites
- New Uses of Intellectual Property
  - Publishing Platforms
  - Derivatives, Revisions, Alterations
  - Copying, Sharing, Distributing
  - Mashups, Indexing, Educating, Entertaining

Conflicts and Copyright

- Copyright Grants Rights
  - Scope of Protectable Works
  - “Original” Works
  - “Fixed” in a Tangible Medium
- Copyright Sets Limits
  - Some Works are Not Protected
  - Copyrights Expire
Exceptions & Limitations

- Copyright Exceptions
  - Section 107: Fair Use
  - Section 108: Library Copying
  - Section 109: First-Sale Doctrine
  - Section 110: Displays and Performances
    - Fact-to-Face Classroom
    - Transmissions and Distance Learning
  - Section 120: Architectural Works
  - Section 121: Persons with Disabilities

The Copyright Rubric

- Which works are Eligible for Protection?
- How do you Get Protection?
- How long does the Protection Last?
  - What is in the Public Domain?
- Who is the Copyright Owner?
- Are my uses an Infringement?
  - Or are they Fair Use?
  - Or something better than Fair Use?

Question 1

I would like to cut and paste a lot of stuff into my online teaching materials. Is all that Fair Use?
**What Kind of Question?**

• “Compliance Question”
  ◦ Announces Itself – Fair Use.
  ◦ Seeks to Follow the Rules.
  ◦ Objective: Get the Most from the Law.
  ◦ Objective: Not get Sued.

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**Question 2**

We need to build a website highlighting the recent acquisitions of our library. **What copyright stuff do I need to think about?**  
[Code: Will you do it all for me?]

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**What Kind of Question?**

• “Project Management Question”
  ◦ Planning a Project.
  ◦ Choices: Selecting the Materials.
  ◦ Choices: How to Use & Present Them.
  ◦ Relations with Donors and Sources.
  ◦ Ease of Securing Permissions.
I am writing a doctoral dissertation on my advisor’s grant. She says she owns my research. *Is that right???

**What Kind of Question?**

- “Diplomacy Question”
  - The Law might have an Answer.
  - No one may Care.
  - The Law is at the Center.
  - But not the Real Concern.
  - May Need to Mediate the Situation.
  - May Need to Call Reinforcements.

**Question 4**

Elite Super Publisher just accepted my manuscript for publication and sent me a contract. *Can you tell me what it means?*
What Kind of Question?

• “Tough-Call Question”
  ◦ Copyright is there Someplace.
  ◦ Mountain of Contract Issues.
  ◦ No One Answer for All.
  ◦ Author needs to Negotiate & Decide.
  ◦ Implications for Open Access.
  ◦ Implications for Future Scholarship.

Rubric of Questions

• Who has the Question?
• What are the Real Objectives?
• When is it Needed?
• Where on the Copyright Rubric?
• Why should You Answer It?
• How does the Answer Help?

The Copyright Rubric

• Which works are Eligible for Protection?
• How do you Get Protection?
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  ◦ What is in the Public Domain?
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• Are my uses an Infringement?
  ◦ Or are they Fair Use?
  ◦ Or something better than Fair Use?
Answers are Ultimately...

- **Helpful**
  - Absolutely, Offer "Answers"
- **Guidance**
  - Better, Offer "Guidance"
- **Informative**
  - Offer Understanding of Copyright
- **Not Legal Advice**
  - Beware Recommendations & Conclusions

The Larger Mission

- Constitutional Foundation:
  "The Congress shall have power... To promote the Progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Thank You!

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