Copyright for Instructors

Van Pelt & Opie Library
Disclaimer

• This is an educational presentation
• I am not a lawyer
• Not legal advice
Objectives

- Understand the basics of copyright law
- Recognize your options for using copyrighted material in your instruction
- Where to get additional help
Copyright

U.S. intellectual property law granting certain exclusive rights over works of creative expression to the creators of those works for a limited period of time
Creative expression

- Original
  - Not a copy of another’s creative expression
- Fixed in a tangible medium
  - Is reproducible
- Creative
  - Displays at least a minimum degree of creativity
Examples of Copyrighted Works

- Journal articles
- Conference papers
- Books
- Figures or illustrations
- Web sites
- Video, sound recordings
What is NOT copyrighted?

Facts/ideas, discoveries, inventions, processes

• Patents, trademarks, trade secrets may protect some processes, inventions
• Data is discovered not created, BUT the way it is arranged or displayed could be creative expression
• Ideas are not protected, but a work explaining them are protected
Exclusive rights of copyright

- Reproduction
- Distribution
- Creation of derivative works
- Performance or display
- Permission to allow the above

Limitations on exclusive rights allow some uses without permission
Performance or display

Classroom Use
- Allows for the performance or display of video, music, images from legally obtained copies
- No limit on length or amount performed or displayed
- Face-to-face
- Supports the curriculum
- Non-profit educational institution

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Performance or display

TEACH Act
- Allows transmission of performance or display of copyrighted works in distance or online learning
- Full use of non-dramatic works
- “Limited and reasonable portions” of dramatic works
- Content integral to course – not supplemental
- Limit access to enrolled students
- Prevent printing, downloading, saving of content
- Provide notice of copyright to students
Reproduction and distribution

“Educational Fair Use”

“...such use by reproduction in copies... or by any other means...for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.”

U.S. Code 17, Section 107
Reproduction and distribution

Fair Use
- Limitation on rights applicable to any use
- Not absolute
- Some uses more favorable than others
- Four factor “test”
Four factors

- **Purpose**
  - What is your intended purpose in using the work?
- **Nature**
  - What sort of work are you using?
- **Amount**
  - How much of the work will you use? Or how significant is the part you are using?
- **Effect**
  - Are you competing with the market for the original?
Fair Use in 2 questions

Transformative purpose
Am I using the work in a way its creator did not intend?

Amount used
Is the amount I’m using appropriate to my need?
Sharing content: linking, embedding

- Not a violation of copyright
- Link only to legally available content
- Library subscribed content
- For library subscribed content prepend to the persistent link:

  https://services.lib.mtu.edu/login?url=

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Seek permission

- You may need to seek permission
  - If you are copying and sharing entire work
  - If a license requires it
- Getting permission
  - Click through agreements
  - Carefully read terms
  - Get permission in writing (email is okay)
- The library can help!
More information & help

• Library’s guide on copyright: http://libguides.lib.mtu.edu/copyright
• Request a consultation: http://www.mtu.edu/library/research/ask-us/consultation-request/
• Contact us: reflib@mtu.edu
Questions?

Thank you!

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