Copyright, Fair Use and Creative Commons

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Parameters/Goals

- Modules should take an hour to complete, including lectures, discussions, assignments, quizzes, etc.
- Try to make copyright friendlier and a little less daunting and dense
- From my own MOOC experiences:
  - Try to mix it up between text and visual
  - Use as much video as possible
  - Make your quiz questions as clear as possible
  - Test! Test! Test! (your module for understanding)
Module’s Original Plan

• Original Title: Copyright and Plagiarism
  • Removed Plagiarism
  • Added Fair Use and Creative Commons
Module’s Basic Structure

• VIDEOS/READING: Copyright Basics and Fair Use
• VIDEOS/READING: Creative Commons
• OPTIONAL: Resources For Further Information
• DISCUSSION: Copyright and Fair Use
• QUIZ: Copyright, Fair Use and Creative Commons
VIDEOS/READING: Copyright Basics and Fair Use

Opening paragraph:

“As you remember from last week’s lecture on Identifying Your Sources, it’s important to know about the source of your materials. When it comes to copyright and fair use, you may read or hear from experts whose views of what is and isn’t fair use may fall along a spectrum from conservative to liberal. It’s important to remember what biases the original source may have. Please watch the two overviews of copyright and fair use to see two different viewpoints on fair use.”
Video Example #1

Title: Copyright on Campus
Source: Copyright Clearance Center

According to their website, the “Copyright Clearance Center (CCC), the rights licensing experts, is a global rights broker for the world's most sought after materials, including in- and out-of-print books, journals, newspapers, magazines, movies, television shows, images, blogs and ebooks.” Learn more about the CCC at: http://www.copyright.com/content/cc3/en/toolbar/aboutUs.html.
Video Example #2

Title: A Fair(y) Use Tale
Creator: Professor Eric Faden of Bucknell University
Source: http://cyberlaw.stanford.edu/blog/2007/03/fairy-use-tale

Eric Faden is an Associate Professor of Film and Media Studies at Bucknell University. Learn more about him at: http://www.bucknell.edu/x37415.xml.

A Fair(y) Use Tale
“Now that you've seen an overview of copyright and fair use, we'll review some specific questions about fair use. The Center for Internet and Society (CIS) is a public interest technology law and policy program at Stanford Law School.”

“YouTube invited the public to ask the CIS Fair Use experts questions regarding fair use. Here are their answers for questions that may come up when you’re interested in using copyrighted works in your own creative work.”
Stanford Fair Use Project Video

• If I keep my video clip under a certain number of seconds am I in the clear? (:35)

• Does a parody video fall under fair use when the visuals are almost entirely from a non-original source (cartoon, gameplay), but it is completely rewritten and re-voiced in a humorous manner? (3:12)

• If I use 2-3 seconds of a video for a mashup but give credit to that video owner, is it fair use? (2:10)
Can you make money off a movie you produced that was inspired by another book or film as long as the story is unique? Like a fan film that exists in the same universe but with original characters and storyline? Is this fair use? (3:57)

What kind of categories fall under fair use (review, education) What if the clip you're using doesn't fit into one of them, can it still be fair use? (1:03)
VIDEOS/READING: Creative Commons

“Creativity always builds on the past.”

- Building on the Past video
OPTIONAL:
Resources For Further Information

AKA

Things I Wanted To Put In the Module But Had to Cut For Time
Edited For Time

Directions:
- Set arrow at correct date
- Read information in windows
- Mouse over any [notes] or asterisks [*] for clarifying information

Is it Protected by Copyright?
For works first published in the U.S.A.*

Date of First Publication
Before 1923
After 1922 & Before 1978
If published without © notice
After 1922 & Before 1964
If published with © notice, but not renewed after 28 years
After 1922 & Before 1964
If published with © notice & renewed after 28 years
After 1963 & Before 1978
If published with © notice
After 1977 & Before 2003
Created (unpublished) before 1978 & first published before January 1, 2003
After 1977 & Before March 1, 1989
If published without © notice & without subsequent registration
After 1977 & Before March 1, 1989
If published without © notice but registered within 5 years; or published with © notice
On or after March 1, 1989
Published with © notice
Published after 2002
Created before 1978 and author died more than 70 years ago

Public Domain
Unpublished Works (date of creation)
Created by Individual or Joint Authors
Created under Corporate Authorship
Edited For Time
DISCUSSION: Copyright and Fair Use

Now that you've learned about copyright and watched two different videos that gave overviews of copyright and fair use, let's discuss copyright and fair use.

Share your thoughts on the following with your classmates:

1. What surprised you the most about copyright and fair use?
2. Tell us about a strategy you might be able to use when you want to use a copyrighted image in your work.
Selected Quotes

“What surprised me the most was that there are no hard and fast rules regarding copyright and fair use. It is a matter of interpretation, all depending on the purpose, nature, amount, and effect on the market.”

“I have only learn’t of the existence of CC in this module, I’m eager to find out about the impact in my country Portugal.”

“This is a really interesting section for me. I'd only recently become acquainted with Creative Commons while using images from Flickr The Commons.”

Note: Unedited quotes from participants
## Quiz Results

<table>
<thead>
<tr>
<th>Metric</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Average Time:</td>
<td>2 days</td>
</tr>
<tr>
<td>Average Correct:</td>
<td>8.94</td>
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<tr>
<td>Average Incorrect:</td>
<td>5.25</td>
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<tr>
<td>High Score:</td>
<td>15</td>
</tr>
<tr>
<td>Low Score:</td>
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<td>Mean Score:</td>
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<tr>
<td>Standard Deviation:</td>
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</tbody>
</table>

Average Time: 2 days  
High Score: 15  
Average Correct: 8.94  
Low Score: 0  
Average Incorrect: 5.25  
Mean Score: 9.55
Questions Missed the Most

• 12/16 missed this question:

**Works from these agencies are always automatically in the public domain:**

• Federal agencies, such as the Environmental Protection Agency
• State agencies, such as the State Department of Transportation
• County agencies, such as the County Planning Commission
• City agencies, such as the City Council
• All of the above
• None of the above
Questions Missed the Most

• 10/15 missed this question:

The most permissive Creative Commons licenses (also referred to as "Approved for Free Cultural Works") are:

• BY and BY –NC
• BY and BY –ND
• BY and BY –SA
• BY, BY -ND, BY -SC and BY -SA –ND
Questions Missed the Most

• 9/16 missed this question:
If you publish a work, it is automatically copyrighted.
• True
• False

• BUT... 15/16 got this question right:
Creative Commons copyright licenses provide a way to give people permission to use your creative work and for you to use the creative work of other people who use CC licenses. (TRUE)
For the Future...

- Making my own videos about copyright basics (under Creative Commons!)
- If the quiz measures the outcomes, make sure the content addresses the outcomes
  - Remember to address Royalty-Free and what that means
  - Remember to address the Public Domain
- Consider discussing Risk Tolerance? Social Media and the rights you give to Instagram, Tumblr, etc.?
- Assignment: Your opinion on an artist copyright case, then what the judge ruled