Copyright 101
aka Let’s Not All Get Sued At Once

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Disclaimer:

This person is not a lawyer.
Contents:

• COPYRIGHT BASICS
  • What & Why
  • Creative Commons
  • Fair Use

• COPYRIGHT-FRIENDLY MATERIALS
  • Where to look
  • How to check

• COPYRIGHT AT UVM
(Wait. This is accessibility?)

Knowing what you can and cannot use, and knowing who and when to ask, makes the process of creating publications easier.

Making processes easier = making them more accessible.
COPYRIGHT BASICS

1. Check an item’s copyright status before you use it.

2. When in doubt, ASK.

3 basic copyright license types:

1. COPYRIGHTED: registered with the US Office of Copyright Protections. You need permission to use it.
2. CREATIVE COMMONS: you need to follow directions in order to use it.
3. PUBLIC DOMAIN: anyone can use it, for any purpose.
Creative Commons

A set of copyright licenses that provide a standardized way to indicate how a work can be used.

There are six Creative Commons licenses.
<table>
<thead>
<tr>
<th>CC-BY</th>
<th>CC-BY-SA</th>
<th>CC-BY-NC</th>
</tr>
</thead>
<tbody>
<tr>
<td>![CC-BY icon]</td>
<td>![CC-BY-SA icon]</td>
<td>![CC-BY-NC icon]</td>
</tr>
<tr>
<td>• Attribution required.</td>
<td>• Attribution required.</td>
<td>• Attribution required.</td>
</tr>
<tr>
<td></td>
<td>• Share-alike required.</td>
<td>• Non-commercial use only.</td>
</tr>
<tr>
<td>CC-BY-NC-SA</td>
<td>CC-BY-ND</td>
<td>CC-BY-NC-ND</td>
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<tr>
<td><img src="image" alt="CC-BY-NC-SA Logo" /></td>
<td><img src="image" alt="CC-BY-ND Logo" /></td>
<td><img src="image" alt="CC-BY-NC-ND Logo" /></td>
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<td>• Non-commercial use only.</td>
</tr>
<tr>
<td>• Non-commercial use only.</td>
<td>• No remixes.</td>
<td>• No remixes.</td>
</tr>
</tbody>
</table>
Creative Commons licenses cannot be revoked.

Once you apply a CC license to your material, anyone who receives it may rely on that license for as long as the material is protected by copyright, even if you later stop distributing it.

You must own or control copyright in the work.

Only the copyright holder or someone with express permission from the copyright holder can apply a CC license or CC0 to a copyrighted work.
What’s “public domain”?

- No attribution required
- No need to share-alike
- Can be used commercially
- Can be remixed
What does attribution look like?

It can be an easily findable page on your website.
Or right next to the image.

Steady

The world is an exciting and dramatic place these days. To the point of exhaustion, really. If the education-centered hubbub on your social media feed raises your anxiety level, you’re not alone. Equity work in schools is essential and important. And change is
“But what about Fair Use?”

Good question.
The 4 Elements of Fair Use:

1. What is the CHARACTER of the use?
2. What is the NATURE of the work to be used?
3. HOW MUCH of the work will you use?
4. WHAT EFFECT would this use have on the market for the original or for permissions if the use were widespread?
COPYRIGHT BASICS > FAIR USE

CHARACTER of the use

FAIR USE IS (GENERALLY):

- Criticism
- Commentary
- News reporting
- Teaching
- Scholarship & research
- Parody

AND BASICALLY NEVER COMMERCIAL.
## NATURE of the work

**FAIR USE (GENERALLY) APPLIES TO WORKS THAT ARE:**

- Non-fiction
- Scholarly
- Factual
- Informational
- Published

**AND (GENERALLY) LESS APPLIES TO WORKS THAT ARE UNPUBLISHED OR CREATIVE.**

Source: Sullivan University Library
## AMOUNT of the work

<table>
<thead>
<tr>
<th>FILM &amp; VIDEO</th>
<th>SONGS</th>
<th>TEXT</th>
<th>PHOTOS &amp; IMAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>No more than 10% or 3 minutes (which ever is less)</td>
<td>No more than 10% and absolutely not more than 30 seconds</td>
<td>No more than 10% of a text</td>
<td>No more than 10% or 15 images from the same source; and no more than 5 images from any one artist or photographer.</td>
</tr>
</tbody>
</table>
EFFECT of the use

Will your use of a work mean that others do not have to purchase a copy of the work?

Will it otherwise impact the market for the work?
FAIR USE ALWAYS APPLIES:

when you have the consent of the copyright holder.
Fair use? (or nah)
Fair use? (or nah)

Lynn Goldsmith photo

Andy Warhol painting
Fair use? (or nah)

Image courtesy: Kyle Cassidy
FAIR USE ALWAYS APPLIES:

when you have the consent of the copyright holder.
In a nutshell:

“Basically, fair use is so complicated it has to be decided every time on a case-by-case basis.”

—Aman Gebru
Duquesne University law professor
“COPYRIGHT-FRIENDLY” MATERIALS

Materials whose creators licensed with the goal of reducing inequity.

This is usually done by:
• using a Creative Commons license
• making material explicitly available for educational purposes
• waving the licensing fee
Pro-tip: your taxes at work

DID YOU KNOW: Materials posted on US government websites are in the public domain by default, unless explicitly stated otherwise.
YES: NPS.gov

All images, videos, charts, and articles on the National Park Service website are in the public domain.
YES: NPS.gov

You can take them, use them as is, or remix them.
Sidenote:
NO: **vermont.gov**

**vermont.gov** is one of the few government websites that explicitly holds their copyright.
NO: [vermont.gov](https://vermont.gov)
Fair use? (or nah)
2 good search engines:

Openverse
Browse through over 600 million items to reuse

Unsplash
The internet's source of freely usable images.
Powered by creators everywhere.
COPYRIGHT-FRIENDLY MATERIALS > WHERE TO LOOK

flickr.com
Looking for music?

Search results for “cello cover”

- Wang n. Zang
- Game of Thrones Cello Cover - Break of Reality
Be clear on how you license your work.

We believe disability is an equity issue.

And we work to create a space where people with disabilities and their families, are fully included in their homes, schools, and communities.

Our Mission:
- To connect Vermonters with disabilities with services and resources to participate fully in the communities of their choosing
- To connect learners with classes, scholarship and opportunities to make disability a professional priority

CDC’s Copyright Policy

The CDCI respects copyright, and commits to using materials with consent, giving credit when asked, and being transparent about fair-use.

The CDCI licenses all our materials including websites, videos, podcast episodes and reference guides, with Creative Commons 4.0.

This license is often abbreviated as “CC BY-NC-SA 4.0”.

This means that we welcome you to use and reproduce our materials for non-commercial purposes (NCC) as long as you give us credit (“BY”). It also means that you cannot claim copyright over those materials; this is called “Share-ALike” (“SA”).
Creative Commons License Chooser

- Can generate HTML for a site
- Or you can simply write: “© 2019. This work is licensed under a CC BY 4.0 license.”
1. Only use materials you have a license for.
2. If you need materials that are licensed, talk to the library.
3. If you ignore copyright, you are personally responsible.
4. Work you create while being paid by UVM, technically belongs to UVM.
A note about songs:

Back in 2019, UVM decreed that under no circumstances can you use songs whose licenses are held by the Global Music Rights group (GMR).
Title: Copyright

Policy Statement

As a scholarly community, the University of Vermont is committed to fostering teaching, learning, research, and the pursuit of knowledge. An important aspect to furthering this mission involves using the works of others in the University’s academic setting while still respecting their intellectual property rights within the boundaries of copyright law. Apart from its interests in avoiding liability and resulting financial penalties both for the University itself and for those in the University community, the University strongly believes that respecting copyrights and adhering to copyright law is vital to maintaining the balance between the free flow of ideas and the advancement of the public interests served by copyright law. It believes as well that its
Media Copyright Guidelines

Fair use for materials in media formats is interpreted by guidelines developed by the University of Vermont Copyright Policy.

Section X of the UVM Copyright Policy specifically addresses copyright guidelines for multimedia presentations and materials:

X. The Conference on Fair Use Guidelines issued guidelines in 1997 under which educators may incorporate portions of lawfully acquired copyrighted works when producing their own, live, educational multimedia presentations. These guidelines, while not part of the copyright law, are generally followed by the courts. Note, however, that these guidelines do not apply in the cases of presentations that are available to the public online or sold commercially. Note also that a court has recently held that these guidelines do not apply to e-reserves. These guidelines provide that content may be included where the multimedia presentation includes:

1. No more than ten percent, or three minutes of a motion based work, whichever is less;
2. No more than ten percent and in any event no more than thirty seconds of a song or video;
3. No more than ten percent of a text; and
4. Use of photographs and illustrations provided that no more than ten percent or fifteen images emanate from the same source, and no more than five images from any one artist or photographer.

Sections V and VI of the UVM Copyright Policy explain how media and other copyrighted materials may be used in classroom and online class settings:

V. Copyright law allows for an exemption for the performance or display of copyrighted materials during face-to-face classroom teaching. This includes the ability to show a full length movie during a class to facilitate discussion and learning. This exemption only allows for the display or performance of a work, however, and does not allow for copying or distributing the work.
UVM Terms of Use for UVM Websites

UVM expressly reserves all right, title, and interest in and to all copyrights, trademarks, logos, patents and other intellectual property and proprietary rights... including but not limited to any images, photographs, animations, video, audio, music, text, and "applets"; the overall "look and feel", processes, software, technology, and other materials.
Thank you for your time.

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