



WICHITA STATE
UNIVERSITY

Copyright Considerations

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University Libraries

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Academic Resources Conference

About me: Maria Sclafani



- Coordinator of Library Instructional Services and Assistant Professor
- Liaison to College of Applied Studies
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About me: Jessica Pierpoint (Torres)



- Information Services Research Assistant
 - Government Documents
 - Patents, Trademarks, and Copyright
- PTRC Representative
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Audience Polls

- Are you a graduate student, staff, or faculty member?
- If you'll be teaching in the fall, what delivery format will you be using for your classes?
- Have you used open educational resources in the past, or are you interested in using them in the future?

Disclaimer

*We are not lawyers and cannot provide legal advice.
Wichita State University Libraries can only provide legal
information.*

Session Outline

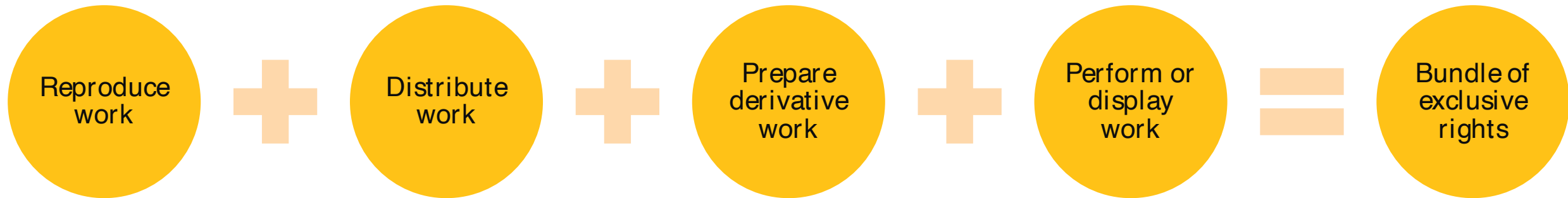
- Copyright Basics
- Public Domain
- Creative Commons Licensing
- OER
- OAT Initiative @ WSU
- Fair Use and First Sale
- TEACH Act
- Copyright Tips and Resources
- Questions

Copyright Framework



- Protects original works of authorship that are fixed in a tangible form of expression

What is Copyright?

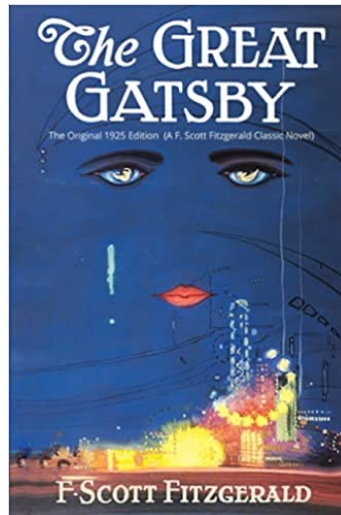


The Public Domain

- What is in the public domain:
 - Works published in the U.S. prior to 1926
 - Works created by the U.S. Government
 - Works published with Creative Commons Public Domain license
- Material in the public domain may be used freely
- Remember: not everything that's publicly available is in the public domain

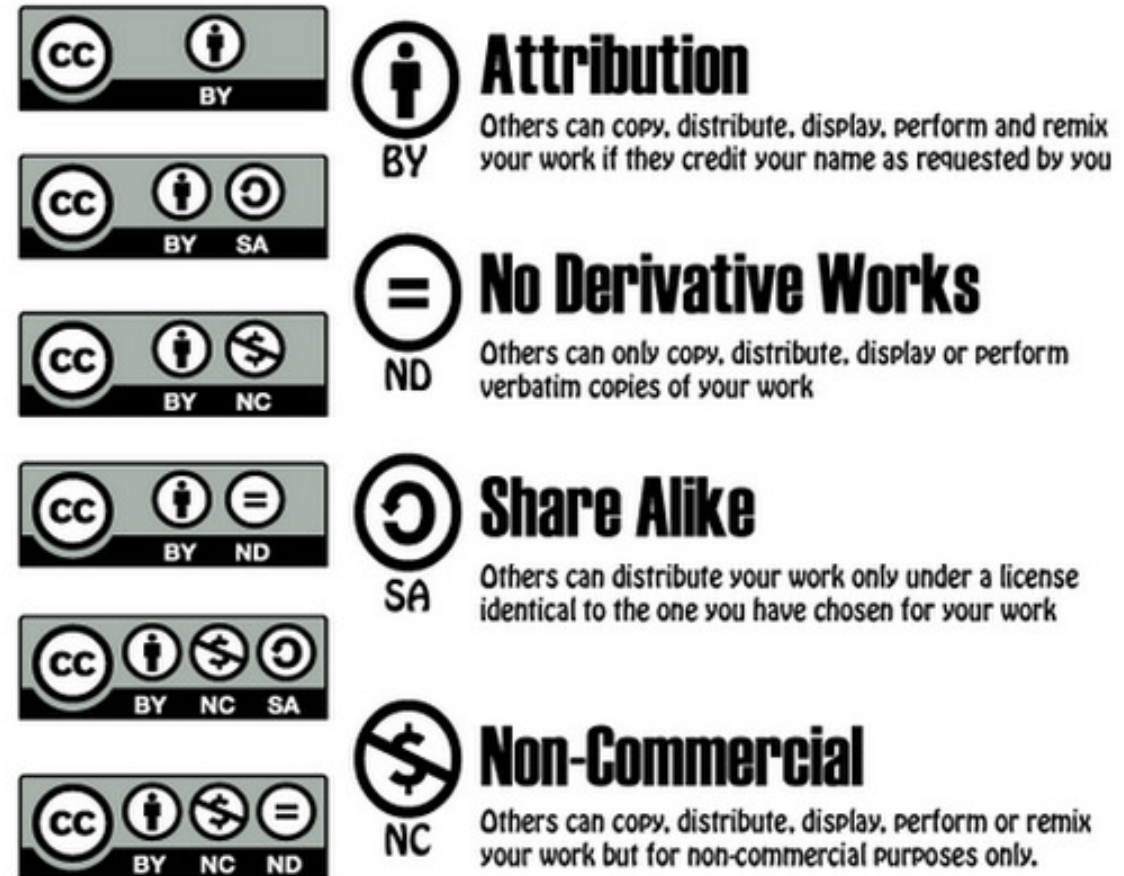
Benefits of the public domain

- Permission is not needed to copy, adapt, distribute, publicly perform or display the work
- Used to support teaching and learning, creative inquiry and scholarship
 - For example:
 - Adaptations
 - Translations
 - Annotated editions



Creative Commons Licenses

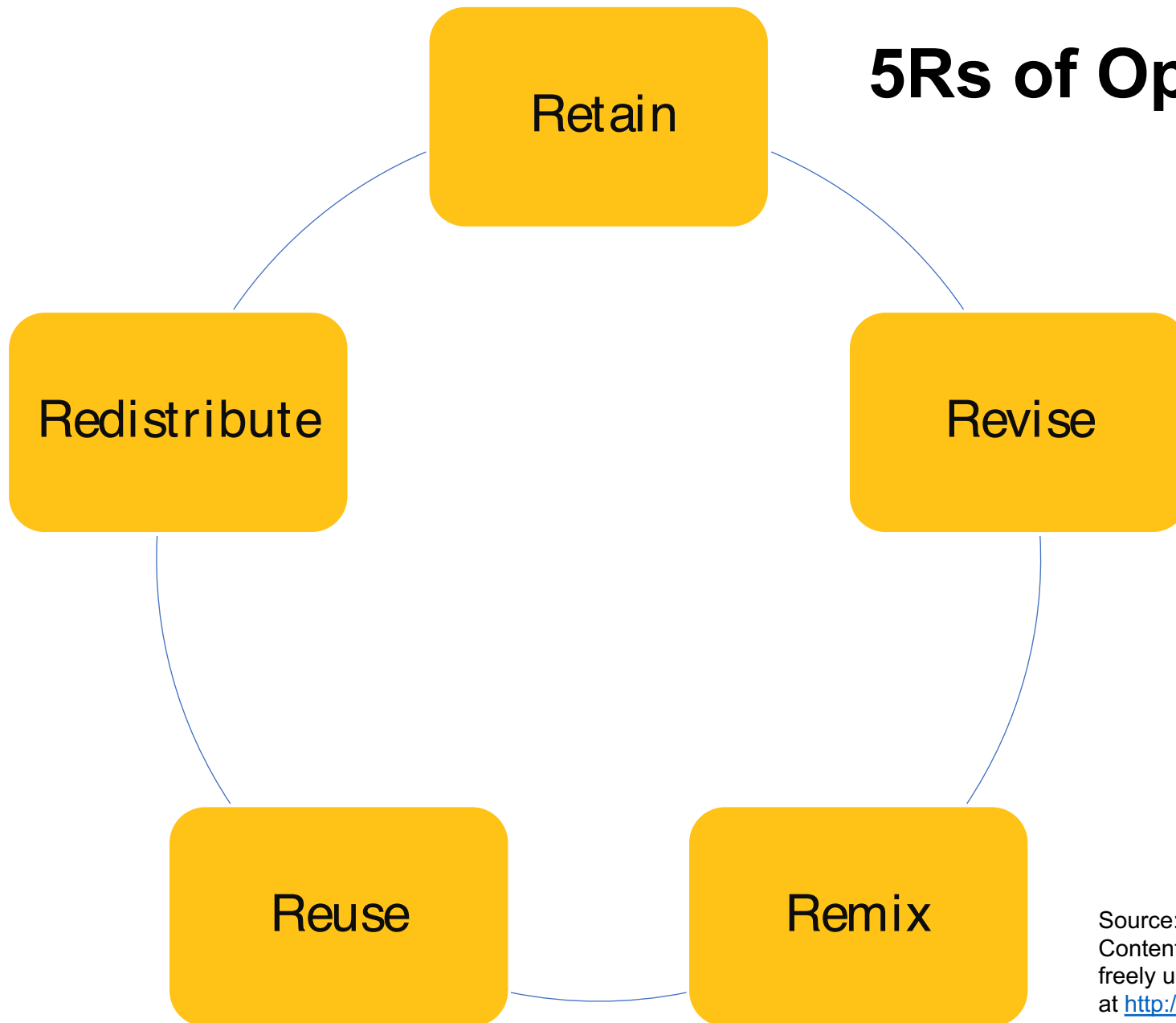
- Free license
- Communicates to the public how the work can be used
- 4 rights combined to create 6 CC licenses
- 1 additional creative commons license to indicate a work is in the public domain and has no restrictions. Known as CC0



Open Educational Resources (OER)

- OER are teaching, learning and research resources either in the public domain or with a creative commons license. They can include courses, textbooks and other course materials, videos, software, etc.

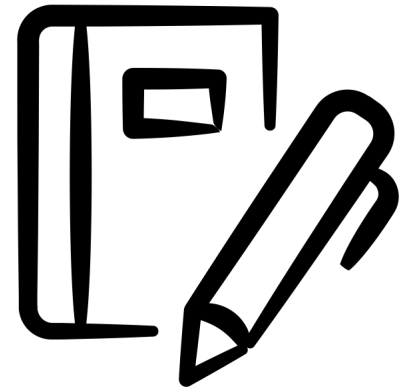
5Rs of Open Education



Source: Wiley, Dave. Defining the "Open" in Open Content and Open Educational Resources. Published freely under a Creative Commons Attribution 4.0 license at <http://opencontent.org/definition/>

Library Guides to Open and Alternative Educational Resources

- Faculty Guide to Open Educational Resources: <https://libraries.wichita.edu/oer>
- Finding Free Media Online: <https://libraries.wichita.edu/freemedia>
- eTextbooks Guide: <https://libraries.wichita.edu/etextbooks>
- Video and Audio Resources Guide: <https://libraries.wichita.edu/videos>



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from Noun Project

- Image credit: Gregor Cresnar from [Noun Project](https://www.nounproject.com/)

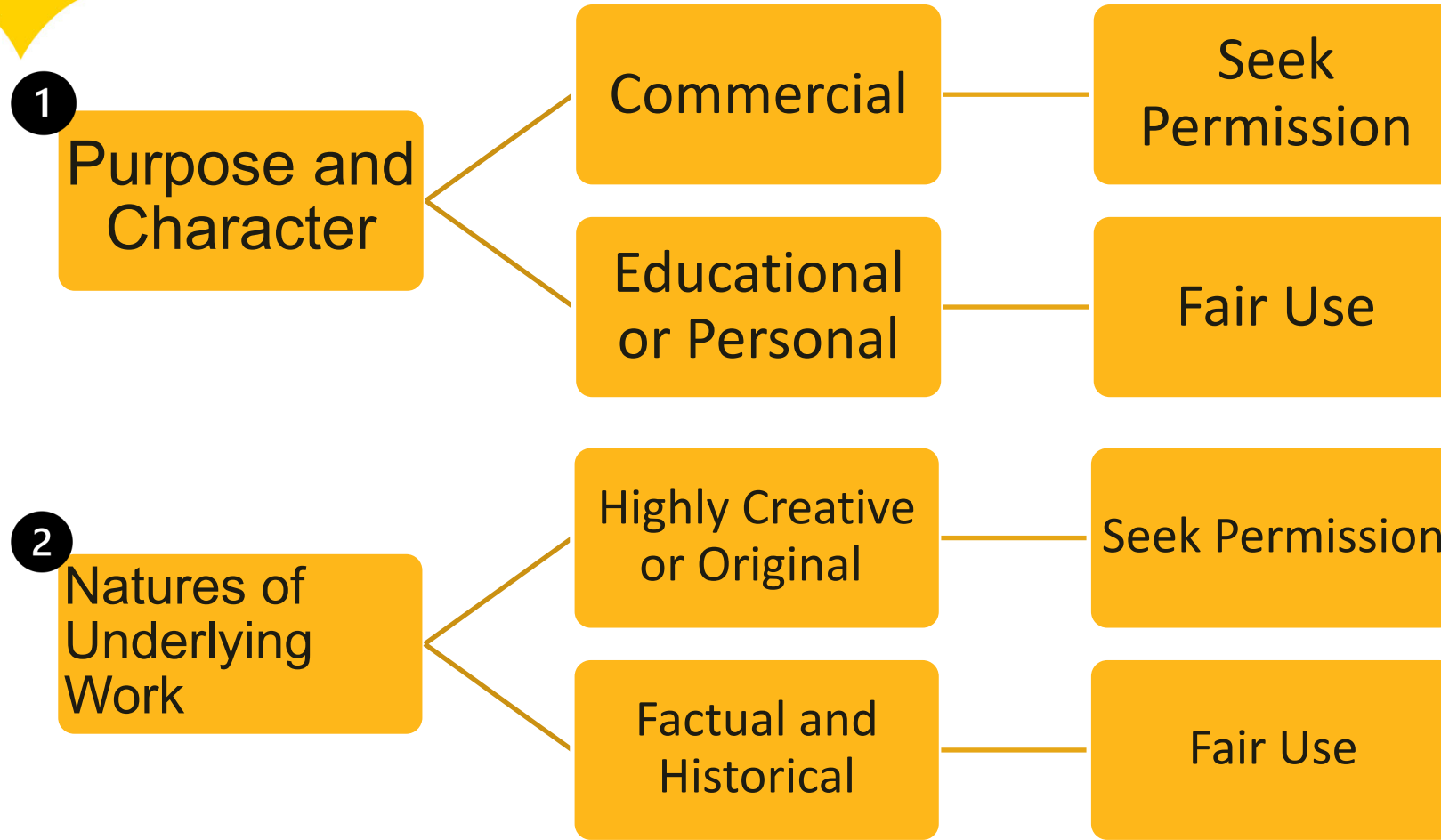
OAT Initiative

- OAT Faculty Fellows: Maria Sclafani and Victoria Koger, University Libraries
 - Questions? Email us!
- OAT Initiative: https://www.wichita.edu/academics/academic_affairs/OAT/
 - OAT course designation
 - OAT Grant

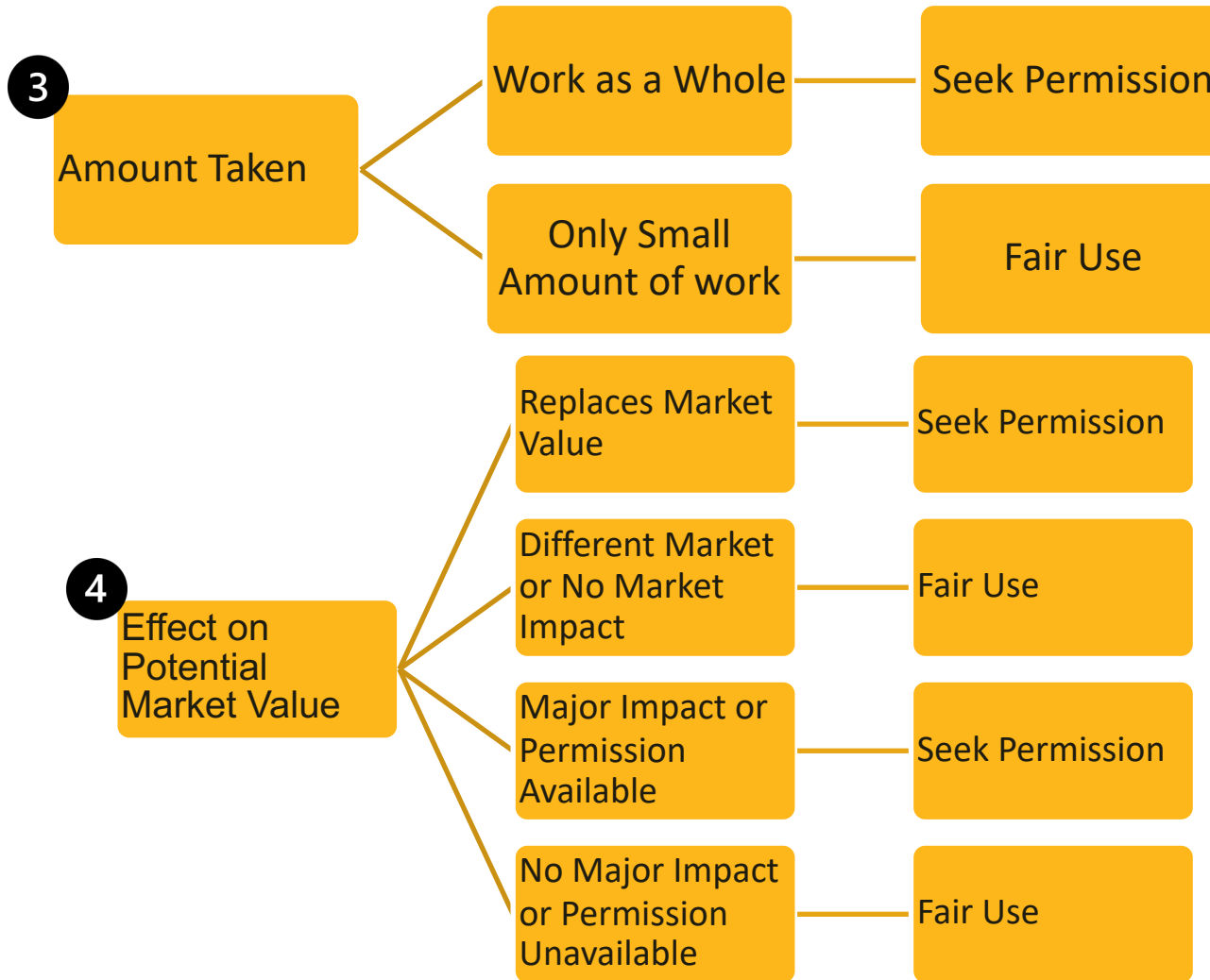
Fair Use

- Tends to favor academic and research uses but is for everyone.
- No such thing as NO risk but rather low, medium, or high risk.
- Academic Libraries often rely on fair use to make digitized content from their collections openly available online.
 - “as much as necessary” (flexible fair use analysis)

Four Factors of Fair Use



Four Factors of Fair Use



Scenario ①

- A faculty member would like to show the 13th documentary created by Netflix within their classroom setting. Would the faculty member be allowed to show this documentary under fair use rule?
 - Put your answers in the chat!

- It depends
- If listed under the Netflix list of "approved by copyright owners to show", then yes
- They may also use Netflix documentaries from this list on YouTube: <https://www.youtube.com/playlist?list=PLvahqwMqN4M0GRkZY8WkLZMb6Z-W7qbLA>
- Remember it is important to weigh your risk still and make sure to look at others licensing and copyright policy when teaching remotely.

First Sale Doctrine

- Copyright owners' right to control distribution of lawfully made copies once there's been authorized distribution.
- You may lend, sell, or dispose of a physical copy but copyrights are reserved for copyright holder.
- Focuses on whether there has been a first, authorized sale of the copy
 - If so, copyright owner may NOT prevent subsequent loans/sales

Scenario ②

- A faculty member has a DVD that is their own copy and would like to allow others to use this copy. Can the faculty member place their own DVD copy on reserve?
 - Put your answers in the chat!

- Yes, they can, as well as any of their own books.
- Falls under the first sale (section 109) rule.
- Good idea to work with reserve to place those items and choose your check out limit.

TEACH Act

Copyright exemption that covers teaching conducted through digital transmission.

Addresses *performance and display* of copyrighted materials used in teaching.

Anything through course delivery systems (such as online platforms) falls under this act.

Copyright Tips for Video

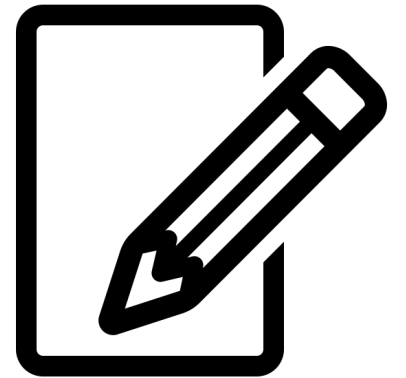


- Showing videos is okay with boundaries. The showing must be:
 - A "regular part of systematic instructional activities"
 - In a nonprofit educational institution
 - In a classroom or "similar place devoted to instruction"
 - The copy used must be lawfully made
 - Instructional activity must be taking place. The teaching activity should not be open to the public.

*Language on this slide is from **Stacia Boden**, *General Counsel*, Wichita State University

General Copyright Tips

- Application is different with each new set of facts.
- Important to always revisit university policies regarding copyright.
 - Licensing, Fair Use, TEACH Act
- Be thoughtful about how much you copy.
- Limit spread of copyrighted materials.
- Be extra careful about copying DVDs.
 - Digital Millennium Copyright Act (DMCA)



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Copyright Resources

- Work with your subject librarian to obtain access to articles, e-books, audio, video, and other media through the library.
- Check out our Faculty Guide and Copyright Guide
 - <https://libraries.wichita.edu/facultyguide>
 - <https://libraries.wichita.edu/Copyright>
- Brush up on reading materials
 - [Coaching Copyright](#) By Kevin L. Smith
 - [Copyright Law for Librarians and Educators: Creative Strategies and Practical Solutions](#) by Kenneth D. Crews
- Check out [Copyright Chat Podcast](#) created by Sara Benson

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Questions?



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