



INTRODUCTION

- © As a responsible citizen of the JWCC community, each of us has a responsibility to comply with copyright law and its application to our work as educators.
- © Faculty, students, and staff at JWCC are likely to face an event or activity, which demands some knowledge of the copyright law.
- © Copyright law defines what you may use or copy, under what conditions, and for what purposes.

- © In the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to **perform** the copyrighted work **publicly**
- © In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to **display** the copyrighted work **publicly**
- © In the case of sound recordings, to perform the copyrighted work publicly by means of a **digital audio transmission**



- © An important concept to remember is that the copyright law seeks to balance and respect EQUALLY the rights of the creator and copyright holder as well as the rights of the public!

COPYRIGHT LAW

stems from the US Constitution, article 1, Section (8) “The Congress shall have the power...to promote the Progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors exclusive Right to their respective Writings and Discoveries.”



SECTION 107: FAIR USE

- © The section of the copyright code most often applied to education.
- © Includes four factors that must be met
- © Each faculty member must consider all of the “four factors” when using copyrighted materials

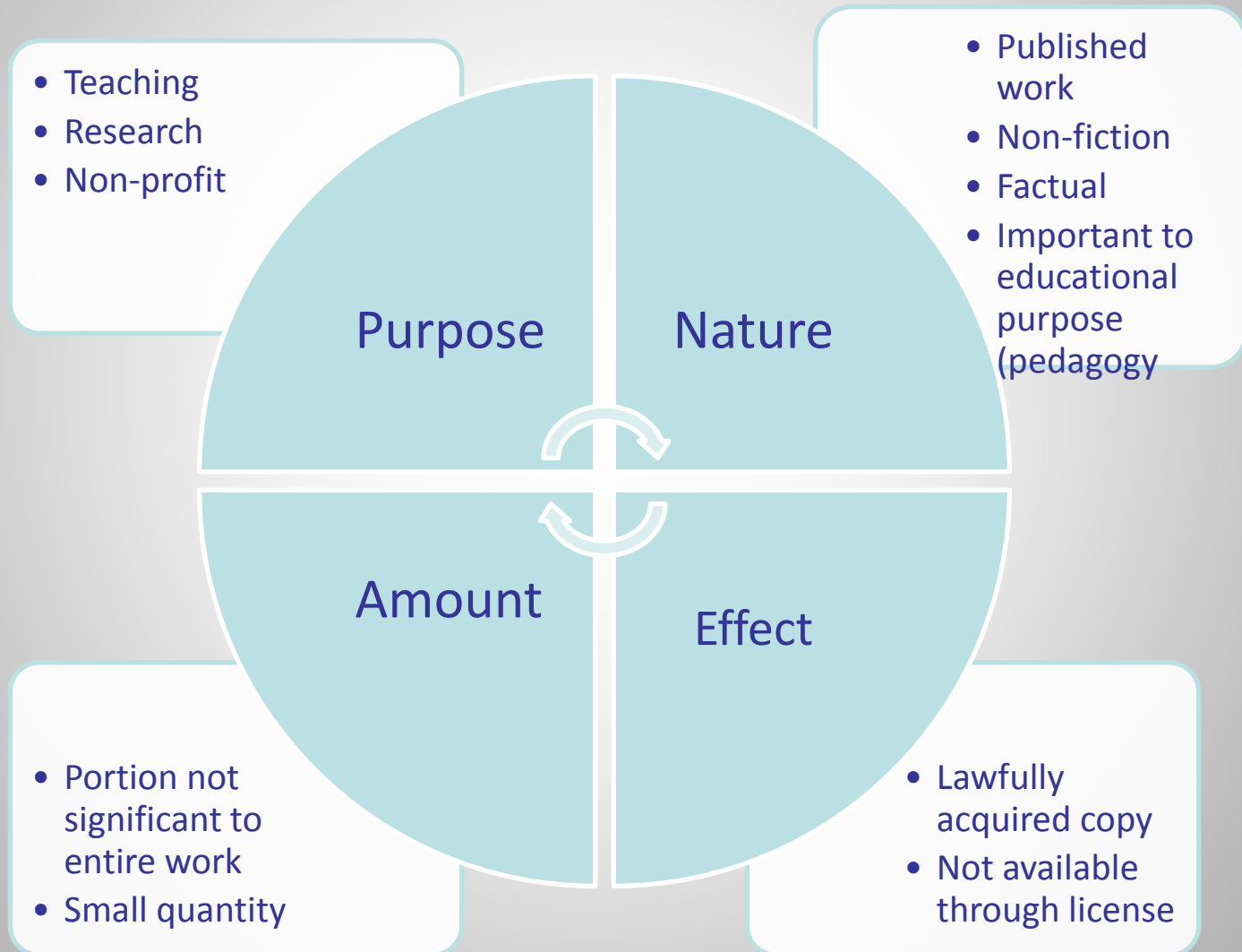


THE FOUR FACTORS OF FAIR USE §107

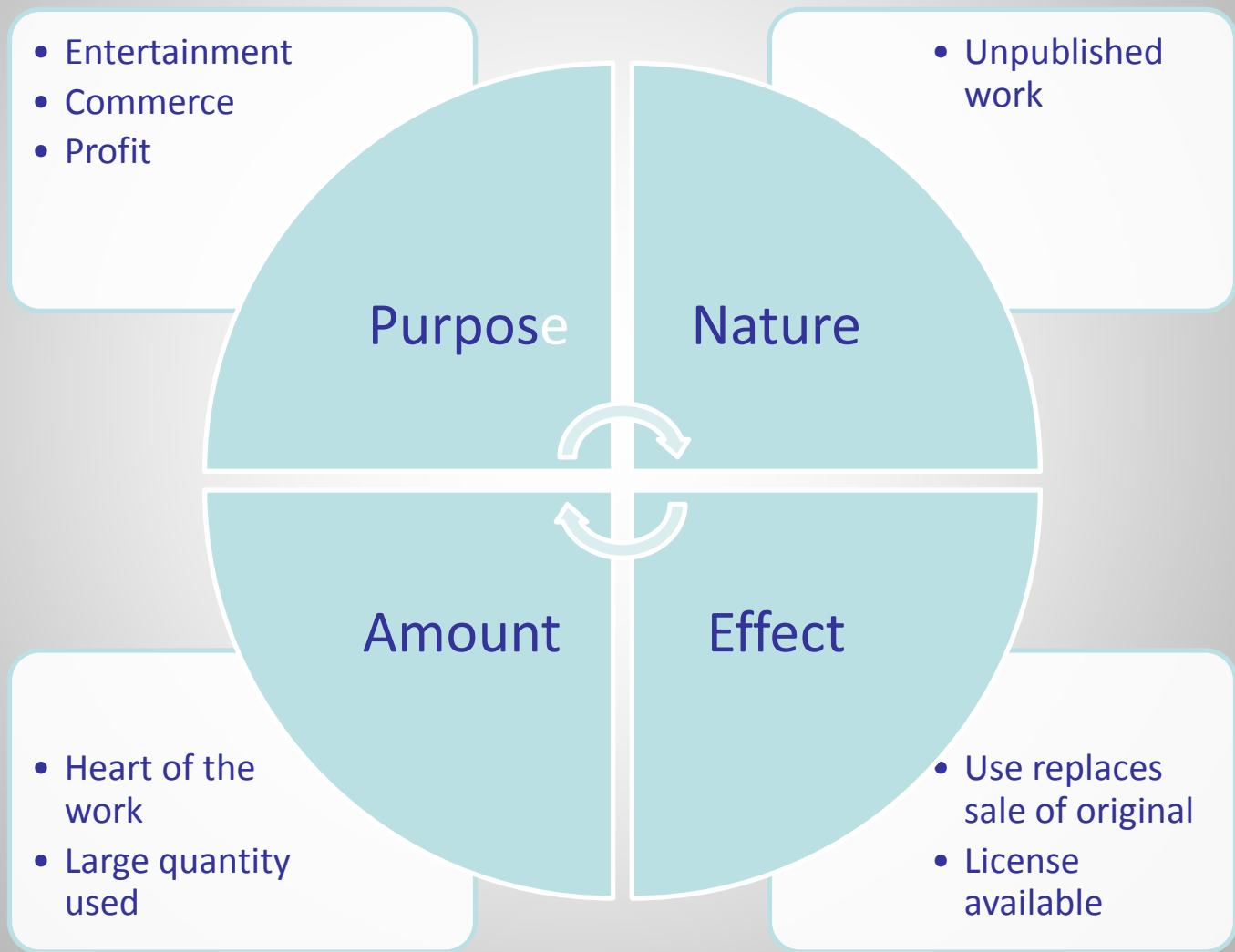
1. Purpose and character
2. Nature of the copyrighted work
3. The amount used (Fair Use **Guidelines** are not part of copyright law)
4. Market effect

Keep in mind that there are no black and white rules nor does one factor alone determine a person's right to use any copyrighted work without permission

FAVORS FAIR USE



DOES NOT FAVOR FAIR USE





FACTOR 1: PURPOSE AND CHARACTER

- © Teaching (multiple copies for classroom use)
- © Research and/or scholarship (single copy)
- © Criticism and/or comment and news reporting
- © Transformative or Productive use (use is not a substitute for the original but offers new expression, meaning, or message utility,)
- © Access restricted
- © Nonprofit educational institution



FACTOR 2: NATURE OF THE COPYRIGHTED WORK

- © Published work
- © Factual or nonfiction based
- © Important to educational objectives
(pedagogy)



FACTOR 3: AMOUNT AND SUBSTANTIALITY OF THE AMOUNT USED

- © Measured both quantitatively and qualitatively
- © NO EXACT AMOUNTS OF ALLOWABLE QUANTITY EXIST IN THE LAW (Guidelines)
- © Small quantity (relative to length of original)
- © Part used is not the “heart” of the work
- © Amount is appropriate for stated educational “purpose”

FACTOR 4: EFFECT ON MARKET OR VALUE

- © User owns legal copy of original
- © One of few copies made
- © No significant effect on market or potential market for the copyrighted work
- © No similar product marketed by the copyright holder

DIGITAL CONCERNS

- © Ease of reproduction and distribution
- © DMCA, 1998
- © TEACH Act, 2002



TEACHING IN THE DIGITAL AGE

- © Online doesn't mean free
- © Limit course materials to EXCERPTS from all types of media
- © Consider linking to articles
- © Permissions still required for full article posting

ACADEMIC CONCERNS

- © Course management systems (CMS) such as E-Companion
- © Interlibrary Loan
- © Reserves & E-Reserves
- © Public Performances
- © Classroom to online



COURSE MANAGEMENT SYSTEMS: BEST PRACTICES

- © Password protections
- © Know what you've paid for
- © Work from authorized originals
- © Remove expired course materials promptly
- © Include copyright notices



INTERLIBRARY LOAN

- © CONTU guidelines define interlibrary loan practices (rule of five, record keeping, copyright notices and warnings)
- © Desktop delivery, document delivery
- © Publishing industry and their lobbyists HATE interlibrary loan
 - Believe libraries operate in collusion, avoid purchasing new subscriptions
 - Great concern over digital copies

RESERVE SERVICES

- © Library associations argue that fair use is the exemption that applies to electronic reserves
- © Publishing HATES e-reserves; can demonstrate that royalty market has slipped
- © Difference between what faculty do on their Web sites and what libraries do with reserves



PUBLIC PERFORMANCE

- © In the classroom, exempted (Section 110)
- © Use a lawfully acquired copy
- © Limited in the digital classroom,
- © Attempts to control public performances through licensing, tiered pricing