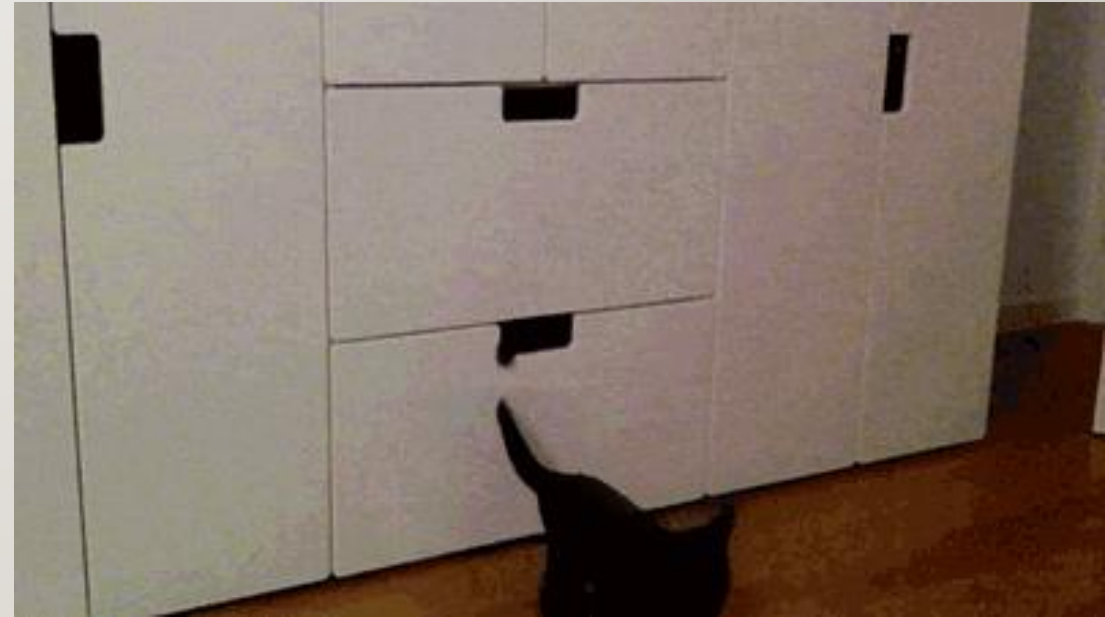




Welcome! Thank you for joining us for “Copyright, Fair Use, and Piracy: Where Does OER Fit In?”

We will begin shortly.



COPYRIGHT, FAIR USE, AND PIRACY: WHERE DOES OER FIT IN?

- WALTER BUTLER, LIBRARIAN, PASADENA CITY COLLEGE
- DAVE DILLON, ASCCC OERI REGIONAL LEAD

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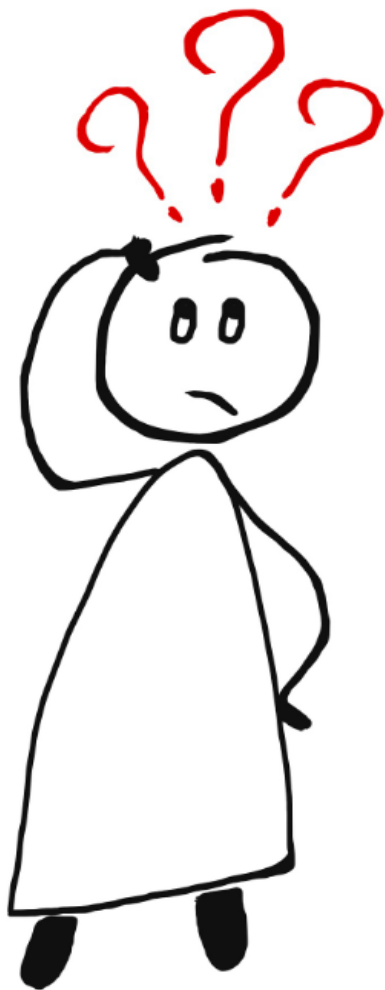


WE ARE NOT LAWYERS

(nor do we portray them on tv)



What is NOT protected by US copyright?



Published works

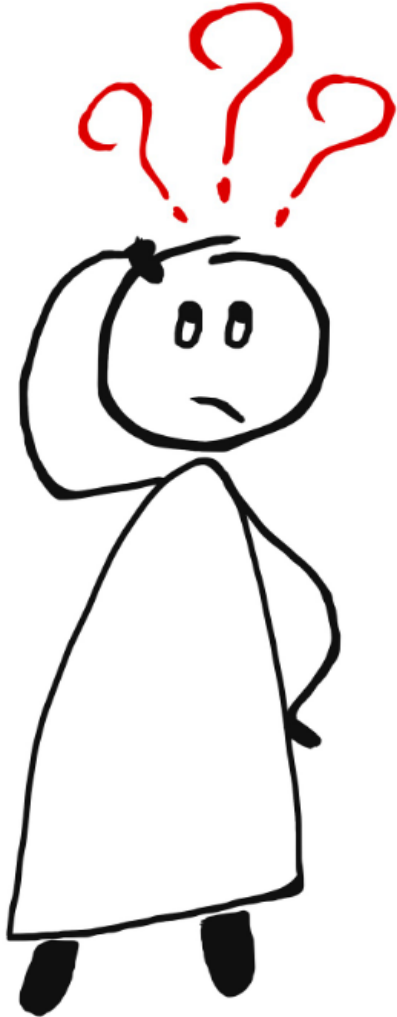
Ideas

Any work in a tangible format

This presentation

None of the above (they're all protected)

What is NOT protected by US copyright?



Published works

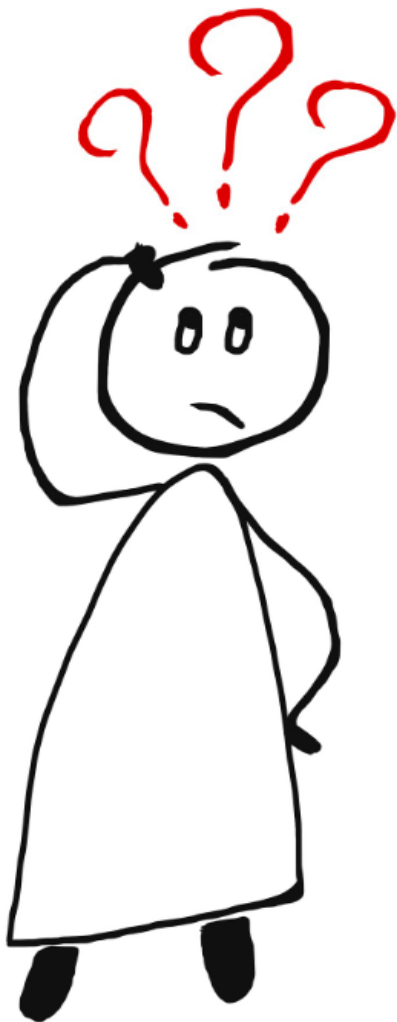
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Published works

Ideas

✓ 0%

Any work in a tangible
format

This presentation

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WHAT IS --- COPYRIGHT ?

Basically - Copyright protects original and creative works, and it gives the copyright owner the right to (and to give permission to):

- Make copies of the work
- Prepare derivative works based on the original work
- Distribute the work
- Publicly display the work
- Publicly perform the work

COPYRIGHT INFRINGEMENT IN A NUTSHELL

Whenever material is redistributed, copied, derived from, performed, displayed, without the copyright owner's permission is copyright infringement.

of course there are exceptions

Are OER protected by copyright?

Yes!

No!

Maybe?

PUBLIC DOMAIN WORKS CAN BE OER



Works that are no longer protected by copyright = public domain



All works first published or released before January 1, 1925



Creators can release work into the public domain.



And then there's a whole bunch of separate dates and exceptions...

CREATIVE COMMONS LICENSING



Creative Commons licenses are the most common licenses for OER.



They work with copyright – not against copyright



They make permissions transparent for reuse



Anyone can use and assign them freely to their own works



**CAN I USE WORKS WITHOUT KNOWING THEIR
COPYRIGHT PERMISSIONS?**

PIRATED WORKS



Works that are illegally
shared online

Avoid using these



The unauthorized reproduction or distribution of this copyrighted work is illegal. Criminal copyright infringement, including infringement without monetary gain, is investigated by the FBI and is punishable by up to 5 years in federal prison and a fine of \$250,000.

HOW DO I KNOW IF IT IS OER OR NOT?

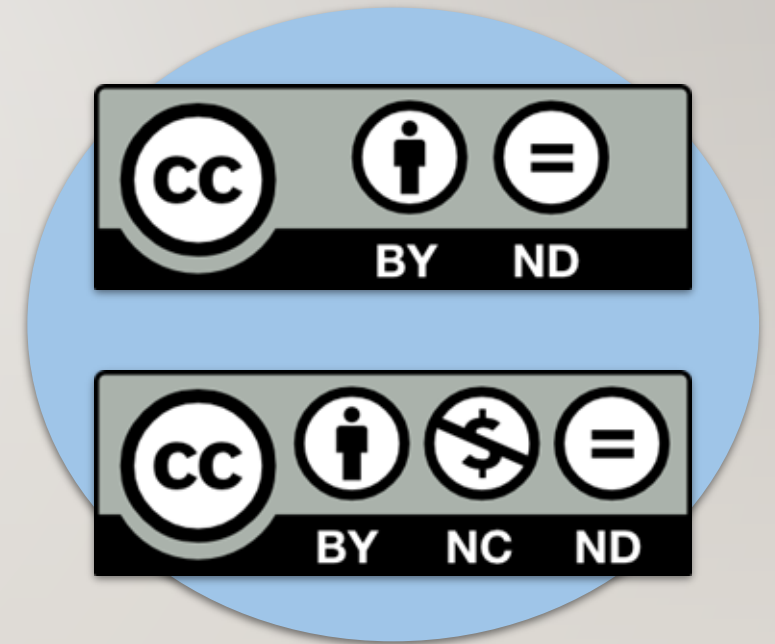
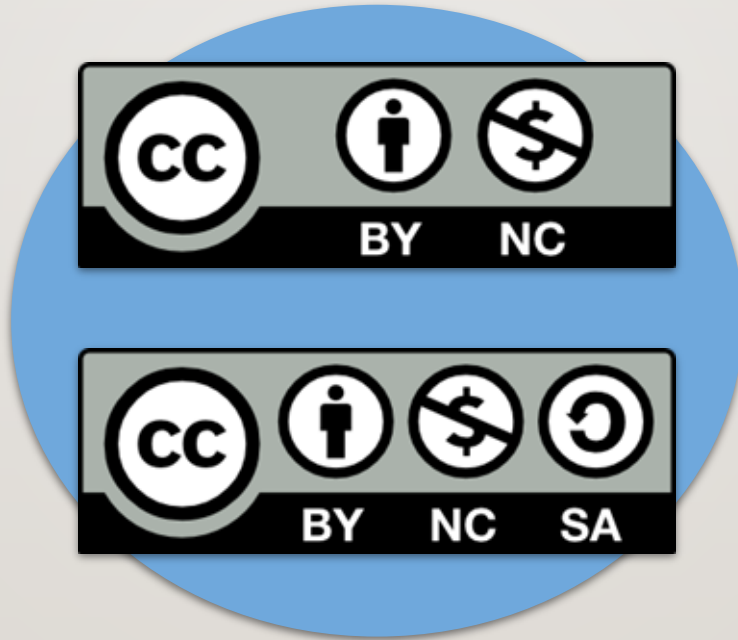
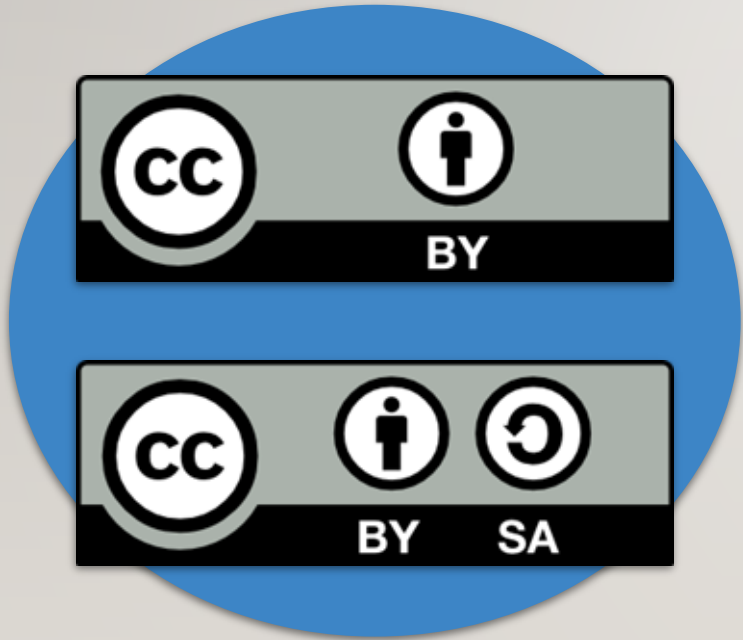


LOOK AT THE LICENSE

Traditional all rights
reserved copyright?

Or Creative Commons
license?

CREATIVE COMMONS: THE SIX LICENSES



COPYRIGHT EXCEPTIONS



FAIR USE



TEACH ACT



TEACH ACT



Makes using copyrighted material while teaching online more “permissible”



Only applies to PERFORMANCE and DISPLAY permissions of copyright



Perform: non-dramatic literary and non-dramatic musical works in their entirety



Display works: permits just as you would in a face-to-face class.

TEACH ACT REQUIREMENTS



Access must be
limited / controlled



Copyright policies
must be in place for
students/faculty



Copyright needs an
informative
component



Copyright notices
must accompany all
materials used.

Fair Use



Fair Use is CASE BY CASE



Only a court can truly determine the final application of it.



Use your best judgment

SO, IS IT FAIR USE?

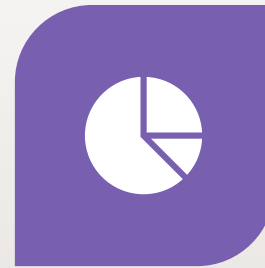
FAIR USE – THE FOUR FACTORS



THE PURPOSE AND
CHARACTER OF YOUR
USE



THE NATURE OF THE
COPYRIGHTED WORK



THE AMOUNT AND
SUBSTANTIALITY OF THE
PORTION TAKEN, AND



THE EFFECT OF THE USE
UPON THE POTENTIAL
MARKET.

You want to provide access to an article from the New York Times as part of your class readings. You save it as a PDF to use for the future & upload it in your Canvas shell. This is an example of:

Fair Use **A**

Applying the TEACH Act **B**

Copyright Infringement **C**

OER **D**

You decide that your online class needs a little music appreciation time, and you download "Here Comes the Sun" and play it for them in its entirety online. This is an example of...

Fair Use

Applying the TEACH Act

Pirating

OER

None of the above

QUESTIONS / DISCUSSION

