Copyright law is technology neutral
Except when it is not
The speed of change
Role of fair use
The speed of distribution
Less forgiving
The scale
Risk analysis
The fear factor
What difference does digital make?

Two Issues

Owning online work
Using other people's stuff in your own teaching
Who owns academic work?

Transfers and licenses

Let’s Talk
Five questions

- Is there a copyright?
- Does a license address my proposed use?
- Does a specific exception apply?
- Is it fair use?
- Who can I ask for permission?

Using content by others

- Ideas!!
- Facts, titles, short phrases
- Works published before 1923
- Works of the U.S. government
- Works published between 1923 & 1989 without © notice
- Works published btw 1923 & 1963 for which © was not renewed.

What is in the public domain?

In the research environment,

- Fair use is the major exception
Especially for new technologies, fair use is vital. Four factors:
- Transformativeness
  - Will this content help me make my new point?
  - Will it help my reader/viewer get the point?
  - Have I used no more than needed to make the point?

Transformative fair use

Ask if you need this specific song or footage.
- How much is needed?
- If the song is just a "soundtrack" rather than part of the argument,
  - Consider a Creative Commons licensed alternative.
- If the need is for stock footage,
  - Consider a Creative Commons licensed alternative
  - Shoot it yourself
  - Purchase from a stock collection

Soundtracks & film clips

Two different uses
- Materials incorporated into lectures, slides or videos
  - Commentary & criticism → fair use
  - Assess transformation; assert when most clear
  - Transformative analysis really about good teaching and scholarship
- Materials distributed to participants
- Open access materials or permission

MOOCs
Traditional publication (subscription journal)

Open access journal
  ≠ Usually peer-reviewed
  ≠ May have article processing fees or not.

Self-archiving
  ≠ Traditional publication plus
  ≠ Copy (earlier version?) in open repository
  ≠ Creative Commons license

Distributing your work