




Don't Get Sued!

Copyright and the University Professor



SMU CTE Presentation
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What do professors do?

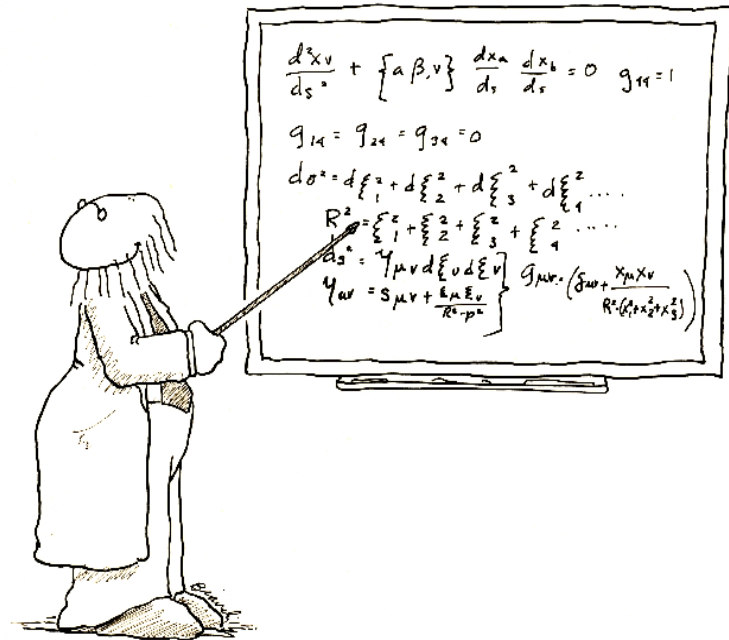
Use materials in face-to-face environments

Make and distribute copies

Incorporate pre-existing materials into own works

Email materials

Upload materials



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So... What's the problem?

Did you create the material?

Did you get permission to use it?

Do you need permission to use it?

What is copyright?

A bundle of rights protecting original works of authorship:

Making copies

Distributing copies

Publicly performing or displaying

Creating derivative works

What is fair use?

A permitted use of a copyrighted work
without permission of the copyright owner

Four Factor Framework

Purpose and character of the use

Nature of original work

Amount and substantiality used

Effect on potential market or value

What's the impact of the Georgia Tech case?

- Teaching students is a core fair use
- Excerpts: use only what you need
- Attribute authorship
- E-reserves for books: 10% or one chapter
- What is the market impact of the use?
- Is there a reasonable licensing tool?

What is the “TEACH” Act?

- Federal law addressing distance learning classes offered through universities
- Limited in scope: performances and displays as if in the actual classroom
- Does not cover copying of materials or creating new works incorporating other materials

CCUMC Multimedia Guidelines

– Part One

Scope of use by educators:

- Face-to-face instruction
- Assigned to student for directed self-study
- Remote instruction of enrolled students (with limitations)
- Presentations at conferences and workshops with peers
- Use in professional portfolio

CCUMC Multimedia Guidelines

– Part Two

Limits:

- Amount used: lesser of 10% or
 - 3 minutes (motion media)
 - 1000 words (text)
 - 30 seconds (songs, music videos)
 - 15 images (collection); or 5 per artist
- Number of copies: two
- Duration of use: two years of courses

Your Questions and Comments



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Suggested Best Practices

Use links when possible

Seek permission when possible

Use only what you need

Limit access to enrolled students

Attribute authorship

But please don't forget...

There is NO magic formula for fair use!



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Thanks for Joining Us!



Presentation and Resource List
will be posted on the CTE Website

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