

COPYRIGHT BEST PRACTICES

DON'T GET TROLLED

- Copying and pasting images from Google could be a violation of copyright law. Even if you include proper citations, a copyright owner could still come after you and the University for infringing their copyright. Copyright services even use bots to scour the internet for copies and automatically send scary demand letters for violations. These so-called “copyright trolls” aggressively enforce their copyrighted works, including by filing lawsuits. In fact, SMU faculty, staff, and students may be personally liable for statutory damages up to \$30,000 per infringed work, which could be increased up to \$150,000 if your infringement was willful.
- However, these violations can be avoided by using best practices, including getting a license to copyrighted works or using works from the public domain.

DON'T ASSUME FAIR USE

- Don't assume that copying is fair use just because an educator is doing it. The fair use exception to copyright law is narrow. Not all educational uses are fair use. When you are considering whether something is fair use, you have to ask yourself a few important questions:

THE FAIR USE FACTORS

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| <p>1. What is the purpose and character of your use? Is your use for a commercial purpose, or is it for a non-profit educational purpose?</p> <ul style="list-style-type: none">• Favoring Fair Use: Showing a photo to criticize and comment on its contents• Opposing Fair Use: Showing a film for a student organization fundraiser | <p>3. What is the amount or substantiality of the portion used?</p> <ul style="list-style-type: none">• Favoring Fair Use: Posting a short clip of a YouTube Video for the purposes of commentary or criticism• Opposing Fair Use: Showing a film or clip for entertainment purposes during a class |
| <p>2. What is the nature of the copyrighted work? Is it more factual or creative?</p> <ul style="list-style-type: none">• Favoring Fair Use: Displaying a poster depicting the human anatomy• Opposing Fair Use: Displaying a famous artist's impressionist paintings | <p>4. What is the effect of your use on the market for the copyrighted work?</p> <ul style="list-style-type: none">• Favoring Fair Use: Posting an article on a password-protected internal website• Opposing Fair Use: Posting an article on a public website |

BEST PRACTICE: One common gray area to avoid is presenting a video, clip, or funny image, for an entertainment purpose (for example, to keep students engaged) unrelated to the course.

TIPS FOR AVOIDING COPYRIGHT INFRINGEMENT

- Delete any copyrighted images from your organization, club, and departments' websites and social medias. Replace them with licensed images or images in the public domain.
- Use websites with open-sourced images and music including Creative Commons Search, Wikipedia Commons, Pixabay, Unsplash, Pexels, National Gallery of Art, and Free Music Archive. Be sure to review and comply with all licensing requirements, which may require including specific links or citations.
- Although AI-generated images are not copyrightable as a whole, some human-generated aspects can still be copyrighted. When using generative AI bots like, Dall-E or Midjourney, check carefully for licensing requirements regarding use.