

Copyright Basics for Online Design & Teaching



Online Higher
Education Summit

19 February 2024

Virtual Event

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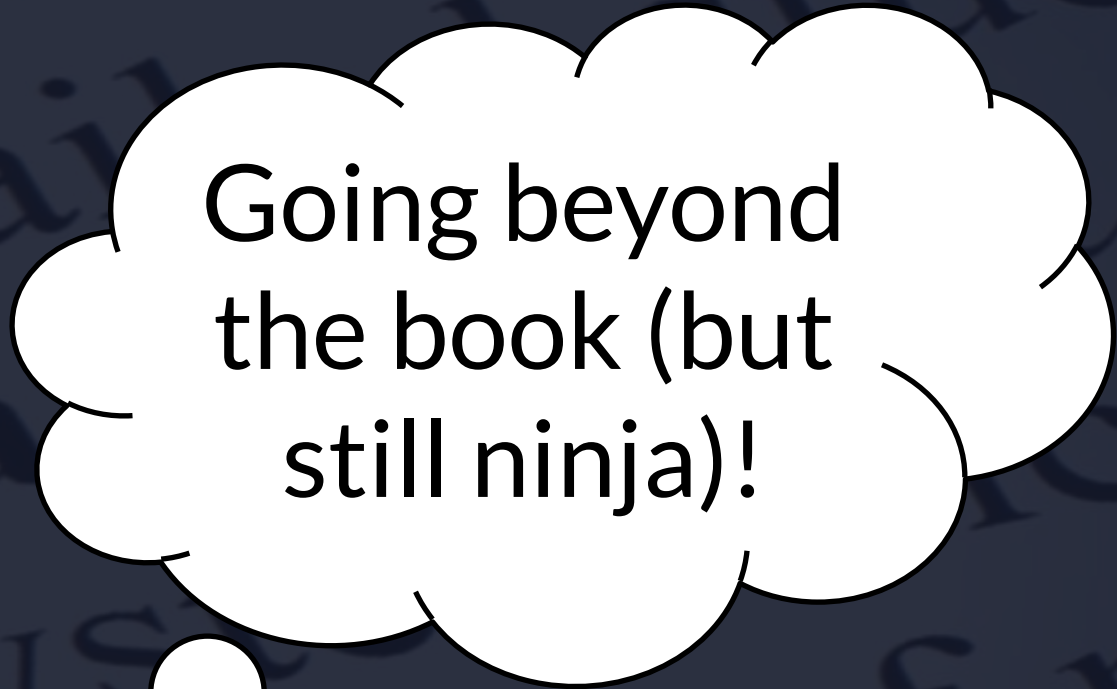
The ideas and materials for this webinar are based on more than 20 years of practice as an educator, faculty developer, and all-around copyright nerd. Rest assured that actual lawyers who specialize in copyright and intellectual property have looked over this content and given it their general blessing. Seek medical attention if you experience copyright knowledge lasting more than 4 hours.



THE COPYRIGHT NINJA



**RISE
OF THE
NINJA**



Going beyond
the book (but
still ninja)!

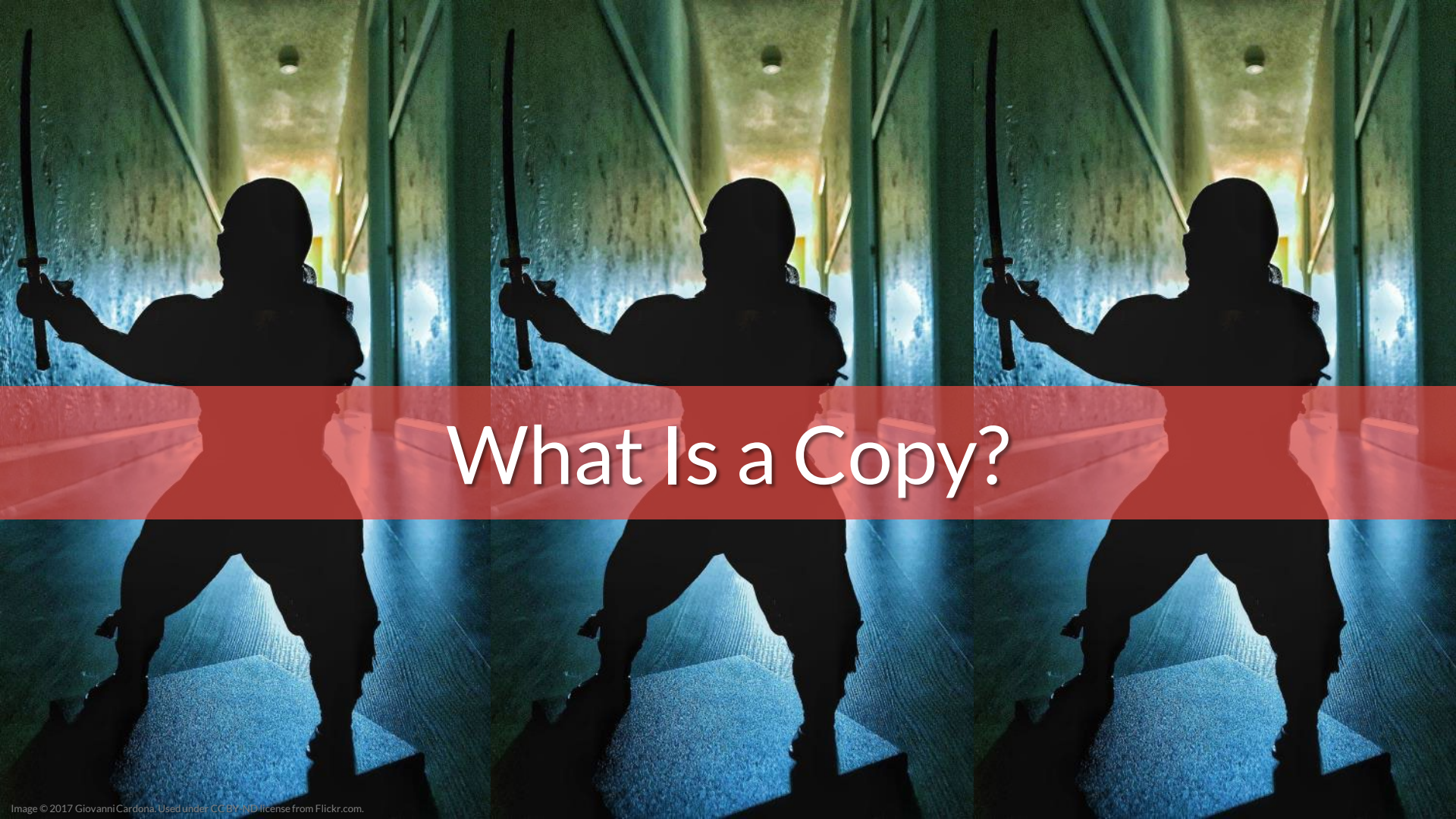
The Basics

Apply a **four-item rubric** to your use of copied content in your online materials & content.

Determine whether **copyright even applies** to a given use of copied materials.


Find **alternative means** of providing access to copyrighted content.

Make a **robust defense** for copying content created & owned by others.



What Is a Copy?

What Is Not Copyrighted?

A screenshot from a video game showing two samurai in a misty, mountainous landscape. One samurai is kneeling on the left, wearing a blue and grey outfit with a large straw hat. The other samurai is standing in the center, wearing a white and black patterned robe and a headband, holding a sword. The background features misty mountains, trees, and a body of water.

created by the government
70 years+ creator's life, not
renewed ("public domain")
owner gives up some or all
rights to the work

What Is Copyrighted?

ANY works in a fixed format.
No need to register with the
Copyright Office.
No need for the © symbol.

“The 1976 revision of the Copyright Act ... changed the original nature and function of fair use. It treats fair use as a **defense**, rather than as an **affirmative right of use**.”

(Ghosh, et al, p. 174)



Fair-Use Secrets: PANE

Purpose: Are you using the content for “criticism, comment, news reporting, teaching, scholarship, or research?”

Amount: How much of the whole item are you using?

Nature of the Work: Is the content factual or creative? Is it published already?

Economic Impact: Will your use of the material deprive the author or creator of revenue or profits?

Fair-Dealing Secrets: PANE+CA

Character: Single/many, wide/narrow sharing, kept?





Alternatives: Non-© available? Do you need to copy?





Licenses & permission before the law.

Creative Commons

-  **Attribution:** Copy, distribute, display, perform, and make derivatives only if you give the author credit.
-  **Noncommercial:** Copy, distribute, display, and make derivatives only for non-commercial purposes.
-  **No Derivative Works:** Copy, distribute, display and perform only verbatim copies of the work.
-  **Share-Alike:** Distribute derivative works only under a license identical to the one governing the original.

Model Letter: Including Work in Course Management System

[Insert: Today's Date and Your Address and Contact Information]

Name and Address of Addressee

Dear _____:

I am requesting permission to reprint [a portion of] the following work:

[Add here full citation information about the work, including author, title, publisher, date of publication, exact pages you are requesting, and any other identifying information; include similar information about a book, motion picture, photograph, music, or any other type of work you might want to use.]

This request is for permission to include the above content on my university's course management system, known as "CourseWorks" here at Columbia [or name the alternative system, such as Blackboard, Moodle, or Angel]. The materials are currently hosted on a university server, and they are accessible only to registered students with password access to the system.

I believe that you/your company, _____, are/is currently the holder of the copyright, because the original work states that copyright is held in your name/the name of the publisher, and my research indicates that _____ [additional reason you think this person/company owns the copyright]. If you do not currently hold the rights, please provide me with any information that can help me contact the proper rightsholder. Otherwise, your permission confirms that you hold the right to grant this permission.

This request is for a non-exclusive, irrevocable, and royalty-free permission, and it is not intended to interfere with other uses of the same work by you. I hope that you will support our educational programs by granting this permission. I would be pleased to include a full citation to the work and other acknowledgement as you might request.

I would greatly appreciate your permission. If you require any additional information, do not hesitate to contact me at the address and number above.

A duplicate copy of this request has been provided for your records. If you agree with the terms as described above, please sign the letter where indicated below and return one copy in the enclosed return envelope.

Sincerely,

Permission is hereby granted:


Signature: _____

Name & Title: _____

Company/Affiliation: _____

Date: _____

Revised: 121010
www.copyright.columbia.edu



When in doubt, **get permission.**
Specify **how you'll use the copy.**
Always provide attribution.

1-Question Quiz: From the Shadows

8. Where does “fair use” or “fair dealing” best apply?

- a) Copy an entire accessibility product review from a magazine for inclusion on your web site.
- b) Play a pop song as “think time” music during your webinar.
- c) Copy & cite a paragraph from a book for the handout for your webinar.
- d) Link to a YouTube video in the handout for your webinar.

Quiz 4: Answers



8. Where does “fair use” or “fair dealing” best apply?

c) Copy & cite a paragraph from a book for the handout for your webinar.



Forget Everything You Just Learned



Did You Make a Copy?

No Copy = No Copyright

Hyperlinking and **streaming** via embed/share code are **not copying**.





Copyright Ninjas!



That's *Not* All, Folks

A photograph of four women wearing black hijabs and dark clothing, rowing a white boat on a body of water. They are all holding oars and appear to be in motion. The water is dark and reflects the light. A semi-transparent red banner is overlaid across the middle of the image, containing the text 'Take-Aways'.

Take-Aways

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thomasjtobin.com

Accessibility & Copying



BONUS!

Copy and modify for accessibility.

Limit access to modified works.

Don't share converted materials widely.

Make a **fair-use case** for broad access.

