What can I do with this?: Deciphering copyright and license notices

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What can I do with this?
Deciphering copyright and license notices

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DISCLAIMER: This presentation is not intended to be legal advice. Every case is different – be sure to consult a lawyer for your particular situation.

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What is copyright?

- The bundle of sticks
  - Reproduction
  - Derivative works
    - e.g., translations, remixes, documentaries based on archival footage
  - Distributing copies to public
  - Public performance or display
What is copyrightable?

- 17 USC § 102 - “Fixed in a tangible medium of expression"
- Books, poems, music, plays, choreography, artwork, videos, audio recordings, architectural works
- Can’t copyright ideas
- Can’t copyright facts
Infringement

- Using a right without the copyright holder’s permission or paying royalties
- Usually sent warning letter first
Fair Use

- 17 USC § 107 – four factors:
  - Purpose and character of use
  - Nature of work
  - Amount and substantiality of portion taken
  - Effect of use upon market for work

- Case-by-case
More on fair use

- Non-commercial use (library) given more leeway than commercial use (copy shop course pack)
- Limited distribution helps
- Courts will consider if permissions easily available (e.g., from Copyright Clearance Center)
- Can’t create personal “archival” copy of articles/chapters for everyone in department
The library/archive exception

- 17 USC § 108
- Who can use it?
  - Copying must be non-profit
  - Collection must be available to non-members
The library/archive exception

Short version:

◦ Can make copy if to preserve or replace & if you can’t buy it at reasonable price
◦ Must include copyright warning or notice that item is protected by copyright
◦ Digital copies can only be accessible on library premises
The library/archive exception

- **Patron request**
  - Must become patron property
  - Must only be for patron’s private use
  - Must display copyright warning
  - Entire book or journal issue *(rare)*: can’t get copy at reasonable price

- **ILL copies**
  - Making a request
    - Patron request + statement of compliance
  - Filling out request
    - Get statement of compliance
So, what do © notices mean?

- Short answer, not much. Lots of FUD (fear, uncertainty, & deception)
- © owners have rights, just not as much as notices say. No real incentive to be accurate, so © holders tend to make over-reaching notices – “copyfraud”
- Take notices with a big pinch of salt
Give ‘em an inch...

- Nature
  http://www.nature.com/info/legal_notice.html
- “In accessing this Web Site, you agree that the Web Site is made available for your personal, non-commercial use only. Unless you have Macmillan’s prior written permission, you are not permitted to copy, broadcast, make available to the public, download, store (in any medium), transmit, show or play in public, adapt or change in any way the material (or any part of it) contained on this Web Site for any purpose whatsoever.”
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Chapter 5

TESTIMONY OF ROBERT J. MEYERS, PRINCIPAL DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF AIR AND RADIATION, U.S. ENVIRONMENTAL PROTECTION AGENCY, BEFORE THE SUBCOMMITTEE ON ENERGY AND AIR QUALITY, COMMITTEE ON ENERGY AND COMMERCE

Robert J. Meyers

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to discuss with you today the potential for regulation of greenhouse gases (GHGs) under the Clean Air Act.
Some can be reasonable…

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- Copyright owners can give blanket permission for whatever uses they want.
- Can either be just written in the notice, or refer to some standard license.
- Creative Commons is the producer of the most common licenses, but there are others.
Permissive notice

- Museum Anthropology Review

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Free Cultural Works

Public Domain
Common conditions

- Attribution—give proper credit
- Noncommercial—primary purpose is not to make $$$
- Educational—only for classroom or research use
- Others are possible
Where are © notices?

- Generally where we expect them to be.
  - Title page, or page after (“copyright page”)
  - Near masthead of serial
- For web pages, check top and bottom of page, about page, and terms of service.
- Mostly useful for finding copyright owners or checking for licenses
Further Resources I

Further Resources II

- Creative Commons, http://creativecommons.org/
- Copyright Term and Public Domain in the U.S., http://copyright.cornell.edu/resources/publicdomain.cfm
Further Resources III

- University of Minnesota Libraries: Copyright Information and Resources, http://www.lib.umn.edu/copyright/
- University of Texas Libraries Crash Copyright Course – Copyright in the Library, http://copyright.lib.utexas.edu/l-intro.html
- Stanford University Libraries: Copyright & Fair Use http://fairuse.stanford.edu/
Questions? & Thanks!

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