

Copyright, Fair Use, and Creative Commons

A Look at the Basics of Creating, Using, and Sharing Copyrighted Materials

Copyright

- The Natural State of the World – Public Domain
- Elements of Copyright
 - What is it?
 - When did it begin?
 - Why do we have it?

What is Copyright?

- Copyright is the law that grants exclusive rights to the creator of an original, tangible, and creative expression for use and distribution.
- Exclusive rights include reproduction, distribution, performance, display, and the right to assign these rights to others.
- It is grounded in the U.S. Constitution and covers both published and unpublished works.
- It protects literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture – immediately upon creation.
- It does NOT protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

Copyright and Fair Use

○ Fair Use

- Conceptual – only a judge can determine fair use
- Four Factors – all must be weighed and balanced
 - The purpose and character of the use
 - The nature of the underlying work
 - The amount and substantiality taken
 - The effect of the use upon the potential market for or value of the work
- The Digital Millennium Copyright Act – Copyright applies to digital and non-digital materials
- The TEACH Act – purpose is to give distance education students the same rights as those in a physical classroom

The Berne Convention – An International Agreement

- The US becomes a participant in March 1989, switching the universe of copyright in the US from everything must be registered to be legally considered copyrighted to everything copyrightable is immediately copyrighted!
 - Now an author/creator of content should apply a license in order to "share" their creation...
 - Someone can always request permission to use your copyrighted materials

Creative Commons and Licensing

- **Creative Commons (CC)** is an American non-profit organization devoted to expanding the range of creative works available for others to build upon legally and to share.
 - Built around the concept of the 5 R's- **Retain, Re-Use, Revise, Re-Mix, Re-Distribute**
 - **Content with a Creative Commons license on them are formal Open Educational Resources (OERs)**
 - Properties of OERs
 - Free, accessible, licensed

Creative Commons Licenses



- CC BY – Attribution Alone
- CC BY SA – Attribution. If you modify and share the original it must be shared at the same license level
- CC BY NC – You may not profit by using the originally licensed work
- CC – BY ND – You may not change the format or alter the originally licensed work
- Quick video on Creative Commons: <https://www.youtube.com/watch?v=srVPLrmlBJY>

Attributions

- In all licensing situations an attribution must be given
 - Example: 1. Except where noted, content and user contributions on this site are licensed under CC BY-SA 4.0 with attribution required.
- Best Practices for Attribution: (recommended site)
 - https://wiki.creativecommons.org/wiki/Best_practices_for_attribution

Montgomery College Copyright and Creative Commons Library Guides (Libguides)

- Montgomery College Library - Copyright Guide:
<http://libguides.montgomerycollege.edu/copyright>
- Montgomery College Library - Creative Commons Guide:
<http://libguides.montgomerycollege.edu/creativecommons>

Questions?

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