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- It is grounded in the U.S. Constitution and covers both published and unpublished works.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 (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**
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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