

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- It is grounded in the U.S. Constitution and covers both published and unpublished works.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

# 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](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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