COPYRIGHT & CC LICENSES

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What we’ll cover today

- Copyright overview
  - Basics and bundle of rights
  - Exceptions to exclusive rights

- Creative Commons (CC) licenses
  - CC licenses vs. copyright
  - Information about each license
  - What’s new in 4.0
  - Finding and using CC licensed materials
COPYRIGHT BASICS
Purpose of copyright

■ “to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”

   (Article I, §8 of the U.S. Constitution)

■ Copyright is supposed to promote learning and invention

*The Copyright Act is located in Title 17 of the United States Code.*
What can be copyrighted?

- Literary works;
- Musical works, including any accompanying words;
- Dramatic works, including any accompanying music;
- Pantomimes and choreographic works;
- Pictorial, graphic, and sculptural works;
- Motion pictures and other audiovisual works;
- Sound recordings; and
- Architectural works.

17 U.S.C. § 102
What cannot be copyrighted?

- **Ideas & theories**
  - Copyright protects expression of ideas, but not the ideas themselves

- **Facts & discoveries**
  - Including data

- **U.S. government works (federal level) produced by a government employee in the scope of their duties**

- **Works whose copyrights have expired** – enter the **public domain**
  - Works in the public domain can be used freely by anyone for any purpose
When does copyright protection begin?

- Copyright protection begins **automatically** in:
  - “original works of authorship fixed in any tangible medium of expression…”
    17 U.S.C. § 102(a)
  - Only needs a small amount of creativity to be original
  - Writing on paper, painting on canvas, taking pictures (film or digital), building a sandcastle, sound recordings, blog posts, Tweets, etc. – these are all fixed works in tangible mediums
  - Fixed ≠ permanent
  - You do **not** have to publish your work in order to get copyright protection
  - Notes you are taking now are copyrighted

- You do **not** have to register your work with the Copyright Office in order to get copyright protection
  - Just because a work does not have the © on it does not mean it is free to use or in the public domain
Copyright owners’ exclusive rights

- Reproduction;
  - copies

- Preparation of derivatives;
  - New works based on the original copyrighted work

- Distribution;
  - To the public by sale, rental, lease, or lending

- Public performance of the work;
  - Literary, musical, dramatic, and choreographic works, pantomimes, motion pictures, and other audiovisual works

- Public display of the work;
  - Literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works

- Public performance of the work via digital audio transmission
  - Sound recordings

17 U.S.C. § 106
How long does copyright protection last?

■ Works created in 1978 or later:
  - Created by a person = life of the author + 70 years
  - Created by a corporation (works made for hire) = the shorter of 120 years from creation or 90 years from publication

■ Works created before 1978:
  - This gets complicated – use this chart http://copyright.cornell.edu/resources/publicdomain.cfm

■ Works created before 1923 are in the public domain

■ Foreign works
  - Use this chart http://copyright.cornell.edu/resources/publicdomain.cfm
Face-to-face teaching exemption

- “performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made…”

- Must be in a **classroom**

- Must be in **person**

- Must be at a **nonprofit educational institution**

17 U.S.C. §110(1)
Fair use exemption

- Fair use is detailed in §107 of the Copyright Act and allows things like, “criticism, comment, news reporting, teaching, scholarship, research”

  17 U.S.C. §107

- It is an exception to the bundle of rights that are reserved to authors of copyrighted works

- It only applies to works that have copyright protection – if the work is in the public domain, you do not need to rely on fair use

- Fair use is a defense to an accusation of copyright infringement – it does not actually prevent an accusation in the first place

- Fair use is a balancing test and courts look at four factors when determining whether a use is fair
Fair use is a balancing test

- 4 factors

1. **Purpose of use**

2. **Nature of work used**

3. **Amount and substantiality of work used**
   - *Just a small amount? Is it the heart of the work?*

4. **Effect on market of work**
   - *Will it compete with sales of the original?*

- Strong emphasis on whether use is transformative

  1. Is the purpose of your use different than the original purpose of the work?
  2. If yes, is the amount used appropriate to your transformative use? (too much, not enough?)
Fair use is a balancing test

- Only a court can definitively determine whether a use is fair – it is a balancing test, so you cannot just check off each factor, you must weigh them all and determine whether your use overall leans in favor or against fair use.
  - There are several checklists that can help you make a determination.

- Case by case analysis – you must look at each use individually to determine whether it is fair.

- Fair use is flexible and vague – continually evolves as the 4 factors are applied to new cases.

- If fair use applies you do NOT need permission.

- If fair use does not apply, you can always seek permission.
LICENSES VS. COPYRIGHT?
CC Licenses vs. Copyright
They work together!

- “Our free, easy-to-use copyright licenses provide a simple, standardized way to give the public permission to share and use your creative work — on conditions of your choice. CC licenses let you easily change your copyright terms from the default of ‘all rights reserved’ to ‘some rights reserved.’”

http://creativecommons.org/about by CC is licensed under CC BY 4.0

- “Creative Commons licenses are not an alternative to copyright. They work alongside copyright and enable you to modify your copyright terms to best suit your needs.”

http://creativecommons.org/about by CC is licensed under CC BY 4.0
CC Licenses vs. Copyright
They work together!

- CC licenses are issued by copyright owners
  - The work still has © protection— he is simply providing a license to others to utilize his work for specified purposes
  - If a work is in the public domain, CC licenses do not apply
  - If your use falls under one of the copyright exceptions or limitations (like fair use), CC licenses do not apply
CREATIVE COMMONS (CC)
About CC Licenses
About CC Licenses

Standard for Licensing

• Widely Used:
  ▪ Individuals
  ▪ Government agencies
  ▪ Foundations/Institutes
  ▪ Academics
About CC Licenses

Works with Copyright

• Modify reuse terms:
  - Attribution
  - Distribution/sharing
  - Transformative works
  - Commercial use
About CC Licenses

Irrevocable License

• Choose wisely
  ▪ Grants permissions under terms
  ▪ *Can* change the terms later, but:
    ▪ Not recommended
    ▪ Still be used under original terms
About CC Licenses

Covers Variety of Items

• Individual/one item:
  ▪ Article
  ▪ Report
  ▪ Blog post
  ▪ Photograph
About CC Licenses

Covers Variety of Items

- Group or all items within:
  - Journal
  - Series
  - Website
  - Collection
About CC Licenses

Include License Information on:

• Each individual item
• Each page of a website
Types of CC Licenses
Types of CC Licenses

Six Standard Licenses:

• All contain Attribution
  • Credit original work
  • Other terms may apply
Types of CC Licenses

Attribution:

- **CC BY**
- Distribute, remix, tweak, build upon
- Commercial use *allowed*
- Most accommodating
Types of CC Licenses

Attribution-ShareAlike:

- **CC BY-SA**
- Distribute, remix, tweak, build upon
- Commercial use *allowed*
- License under identical CC terms
Types of CC Licenses

Attribution-NoDerivs:

• **CC BY-ND**
  • Distribute
  • Commercial use *allowed*
  • Unchanged – no derivatives
Types of CC Licenses

Attribution-NonCommercial:

- **CC BY-NC**
- Distribute, remix, tweak, build upon
- *No commercial use allowed*
Types of CC Licenses

Attribution-NonCommercial-ShareAlike:

• **CC BY-NC-SA**
  • Distribute, remix, tweak, build upon
  • *No commercial use allowed*
  • License under identical CC terms
Types of CC Licenses

Attribution-NonCommercial-NoDerivs:

• **CC BY-NC-ND**
  • Distribute
  • *No commercial use allowed*
  • *No changes to original work*
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Public Domain: CC0
Public Domain: CC0

Waive Applicable Rights:

• Free to use for any purpose
• To extent allowed by applicable law
• No attribution or other terms
Public Domain: CC0

“No Rights Reserved”:

• Opt out of copyright protection
• Exclusive rights automatically granted
• Not adapted to particular jurisdictions
New CC 4.0 Licenses
New CC 4.0 Licenses

Key Changes:

• Enhanced Internationalization
• Addressing Copyright-like rights
• General Functionality Issues
New CC 4.0 Licenses

Internationalization:

• More globally enforceable
• Improved terminology
• International validity
  • E.g., global projects transcending political borders
New CC 4.0 Licenses

Addressing Copyright-like Rights:

• Moral rights
  • Protection for personal and reputational value
New CC 4.0 Licenses

Addressing Copyright-like Rights:

- Sui generis database rights
  - Primarily European Union enacted
  - Prohibits certain reuse of databases
New CC 4.0 Licenses

General Functionality Issues:

• Common-Sense Attribution
• 30-day Window for License Violation
• Increased Anonymity Options
FINDING & USING CC MATERIALS
Where to find CC licensed works

- Search feature on the CC website
  - [http://search.creativecommons.org/](http://search.creativecommons.org/)
  - Simply enter your search in the box, choose how you want to use the work, and choose where you search
  - Flickr, Google, Open Clip Art Library, YouTube, Wikimedia Commons, Google Images, Sound Cloud, etc.

- Research Guides
  - Harvard Law Library
    [http://guides.library.harvard.edu/content.php?pid=500088&sid=4113929](http://guides.library.harvard.edu/content.php?pid=500088&sid=4113929)
  - UNT Center for Learning Enhancement, Assessment, and Redesign [http://clear.unt.edu/copyright-locate-usable-works](http://clear.unt.edu/copyright-locate-usable-works)
Creative Commons Search

- Media, images, music, videos, web
- Search for specific types of uses on a variety of websites
- Add CC Search to browser
Harvard Law Library

- LibGuide helps users locate public domain and CC licensed images, audio, and videos
- Explains difference between public domain and CC
UNT CLEAR Copyright Guide

Locate public domain and CC licensed works

• Multiple formats

• Text (mostly eBooks and some teaching materials)

• Video

• Images
Google Images

- Advanced Google images search
- Not filtered by license
- Free to use or share: CC BY-NC-ND
- Free to use or share, even commercially: CC BY-ND
- Free to use share or modify: CC BY-NC
- Free to use share or modify, even commercially: CC BY
Flickr

- Hundreds of thousands of photos per each license
- Search images by CC license type
- Explains each type of license
Haiku Deck

- Web based presentation software
- Image heavy – limited text
- Search Flickr directly from your presentation for CC licensed images
Individual Article

This is an example of an individual article within a journal that displays CC license information.

This is an article in the Public Library of Science (PLoS) One Journal.
Blog

- All contents of this blog are covered by the CC BY license (attribution only)
Website

- Many websites license all or most of their content using CC licenses

Except where otherwise noted, content on this site is licensed under a Creative Commons Attribution 4.0 International license.
How can you incorporate CC licenses at work?
(Or, how to make the world a better place!)

- Put them on library policies!
- CC license your website or blog!
- Use them on research guides!
- Put them on your presentations and teaching materials!
- Share what you know with the world!
Final Tips

- Remember the exceptions to copyright protections – use these! Fair use and the face-to-face instruction exceptions are your friends
- Use items in the public domain when you can
- Use CC licensed materials! There are so many out there, take some time to search for these
- CC licenses are supposed to be irrevocable – but that doesn’t stop some people from slapping on a license only to remove it and go after people demanding money for using their materials
  - Take a screen shot of what you are using with the CC license on it – just in case
QUESTIONS?

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References

■ Public Domain
  - http://copyright.cornell.edu/resources/publicdomain.cfm

■ Creative Commons
  - CC website: http://creativecommons.org/
  - CC search: http://search.creativecommons.org/
  - CLEAR’s guide to locate works: http://clear.unt.edu/copyright-locate-usable-works
  - VCU Creative Commons Media Resources: http://english.vcu.edu/about/creativecommons-image-media-resources/

■ Copyright – General
  - CLEAR’s Copyright Guide: http://clear.unt.edu/copyright
  - Scholarly Communications website: http://library.unt.edu/scholarly-communications
  - Copyright Act: http://copyright.gov/title17/