

AUDIOVISUAL CONUNDRUMS:

LEGALITY VS. EQUALITY WITH MEDIA RESOURCES

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INOV8:

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REVITALIZING DISTANCE LEARNING

FEAR AND LOATHING IN THE LIBRARY

Provide and guide

We're not lawyers! (generally)

Publisher's police?

Fight the power!

My take

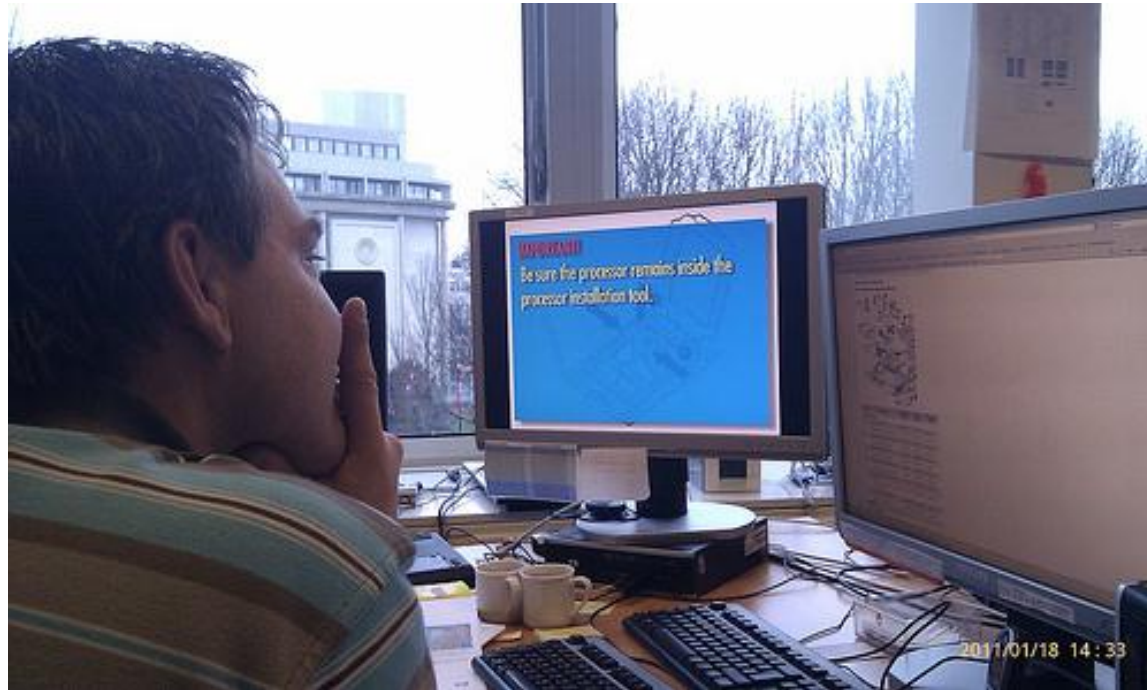


WHAT AUDIOVISUAL ITEMS ARE FACULTY USING ONLINE AT YOUR INSTITUTION?



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WHAT DO THEY DO WITH THE MEDIA THEY USE?



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WHAT KINDS OF QUESTIONS DO YOU GET FROM FACULTY REGARDING COPYRIGHT?



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OPTIONS FOR ADDING MEDIA TO COURSES

The Free:

- Links to online videos, etc. (YouTube, etc.)
 - Shared learning objects (MERLOT, etc.)
 - Free or Creative Commons-licensed images (Flickr Creative Commons, etc.)
 - Public domain music or recorded speech (the National Jukebox, etc.)
 - Royalty-free music (incompetech.com, etc.)
- 


OPTIONS FOR ADDING MEDIA TO COURSES

The Paid For:

- Library-purchased items (physical DVDs and videos and library-hosted (or consortium-hosted) digital videos)
 - Library subscription products (other digital collections: Films on Demand, ArtSTOR, etc.)
 - Personal or departmental purchases/subscriptions
- 

OPTIONS FOR ADDING MEDIA TO COURSES

The Borrowed, Copied, Etc:

- Checked out from other libraries
 - Rented or streamed from NetFlix
 - Borrowed from friends, etc.
 - Copied legally (hopefully)
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WAYS AND REASONS TO USE IT

Demonstrate concepts

Provide material to analyze

Make available parts or wholes of video, music, images

Allow students to transform/remix/mashup media items



OF LAWS AND DOCTRINES



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FAIR USE

Section 107 of Title 17 of the US Code

Four factors:

- (1) the purpose and character of the use
- (2) the nature of the copyrighted work
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole
- (4) the effect of the use upon the potential market for or value of the copyrighted work


See <http://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/> for the Fair Use Checklist from Columbia University Libraries

TEACH ACT

Revised Sections 110(2) and 112 of Title 17 of the US Code

“Technology, Education, and Copyright Harmonization Act”

Basic tenets:

- Extends face to face teaching exemption for display and performance of copyrighted works into the online classroom
 - Only available to accredited non-profit educational institutions
 - Must limit access to a work (only for the time needed for the class – just like F2F)
 - Copyrighted materials must be limited to the members of the class
 - The work must be relevant to the course
 - Institutions must prevent further copying or redistributing of works
 - The institution must have copyright policies in place to guide students and staff
 - Institutions cannot interfere with the copyright protections in place on the work
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FIRST SALE DOCTRINE

Section 109 of Title 17 of the US Code

Makes library lending possible – ILL, etc.

Material has to be legally obtained

Applies to videos but not sound recordings or computer software

Owner has the right to display the item

Tiered pricing: home use, institutional use



OF GUIDELINES



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LIBRARY RESERVES

Reserve policies based on:

- Section 108 of Title 17 of the US Code – individuals making single copies for study
- Fair Use principles – libraries providing works if factors are met

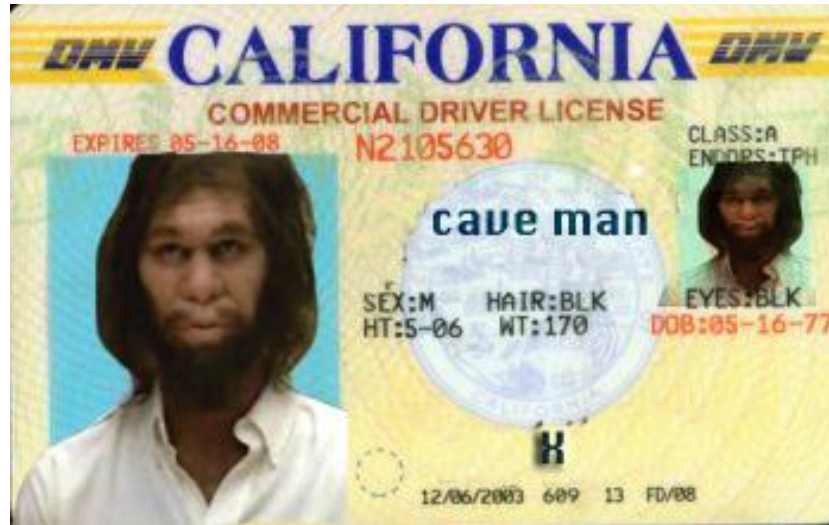
Much guideline creation by individual libraries and groups

Example: Georgia State University case

Best practices document is being challenged: [Applying Fair Use in the Development of Electronic Reserves Systems](#)



OF LICENSES



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WHAT ABOUT THIS UCLA CASE?

Streaming library-owned videos

Association for Information and Media Equipment lawsuit


UCLA claims Fair Use exemptions

Video Furnace

VOD – Video on Demand



WHAT ABOUT NETFLIX?

- Library subscriptions to NetFlix
 - Distributing videos to faculty and students
 - Fair use: faculty may use in classroom
 - Violation of Netflix terms of service?
 - Does fair use trump contract law?
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SCENARIO #1

Professor X wants her class to be able to view two DVDs of different versions of Macbeth in her online ENG 477 (“Shakespeare as Detective Fiction”) course. She purchased one of the DVDs and the other is owned by the library. The class uses Moodle as its learning management system. Professor X routinely shows both films in her face to face course.

Can Professor X make digital copies of the DVDs and stream them out to her students?

Can she repeat this use next semester, and also include links to the videos in her face to face course Moodle site (for students who missed the in-class showings)?



SCENARIO #2

Professor Y is always seeking ways to make his lectures more interesting and relevant to students. Thanks to the availability of resources from the library, he has downloaded images from a current events photo database and included them in his lecture presentations (created in PowerPoint but streamed as Flash files). He also included four tracks from a CD he owns. The lectures are all linked within the University Z collaboration and learning environment.

If the images are related to the content of the lectures, is this an acceptable use of copyrighted materials?

What about the songs from the CD?



CHOOSE YOUR OWN SCENARIO



WHAT CAN WE DO?

- Know the law – particularly fair use guidelines and the TEACH Act
- Join with our institutions to make a stand for our fair use rights
- Make sure faculty know what's already available through the library
- Educate faculty on fair use and TEACH Act rights and responsibilities
- Be sure to check for fair use implications in our contracts with vendors
- Check resources at <http://www.diigo.com/user/infomanjib/INOV8>

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