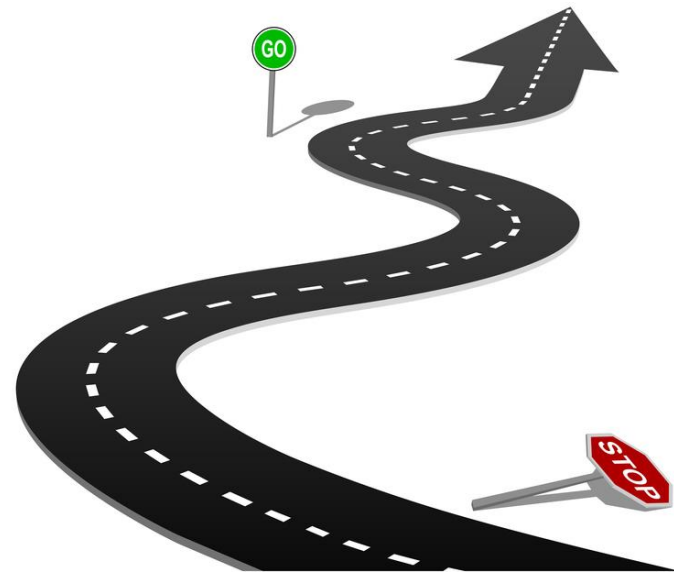


OER, Copyright, and You

A LEGAL ROADMAP FOR THE NEW GOLDEN
AGE OF CREATION AND DISSEMINATION OF
EDUCATIONAL CONTENT

RULES OF THE ROAD

1. Be bold
2. Be daring
3. Be respectful
4. No fear
5. If all else fails,
call your lawyer
(hands-free)



FORKS IN THE ROAD

- Use existing
- Make your own
 - Entirely original
 - Merge existing
 - Adapt from existing
- Use locally
- Distribute
 - Narrow
 - Wide



COPYRIGHT BASICS

- Expression, not ideas
- Exclusive rights of authors
 - Reproduce the work
 - Prepare derivatives (sequels, prequels, modifications, translations, etc.) based on the work
 - Distribute copies of the work by sale or other transfer
 - Display the work publicly
 - Perform the work publicly
- Copyright exists upon creation
- Optional, but a good idea:
 - Registration
 - Notice



CREATING CONTENT

- WHO OWNS
 - Probably you
 - University may under certain circumstances
- Be careful with photos, graphics
- Link, don't copy
- Distribution options
 - You control
 - Creative Commons
 - Licensing
 - Formal; clearinghouse
 - Informal; on request



THIRD PARTY CONTENT

- How was it accessed?
- Creative Commons
 - Attribution
 - Share alike
 - Must distribute under same terms
 - Noncommercial
 - No Derivatives
 - Cannot adapt or modify!
- Other license or public grant
 - Public Domain
- Permission from owner(s)
- Legal exceptions
 - Teaching (face to face; distance)
 - Fair Use



FAIR USE

ENUMERATED PURPOSES (non-exclusive)



- Criticism
- Comment
- News Reporting
- Teaching
- Scholarship
- Research

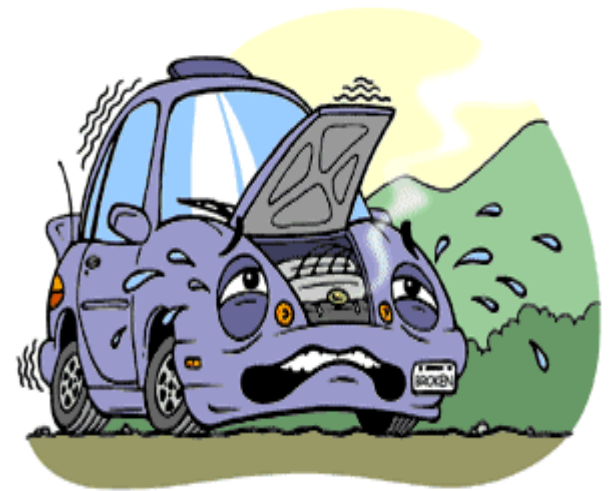
FAIR USE

CONSIDERATIONS

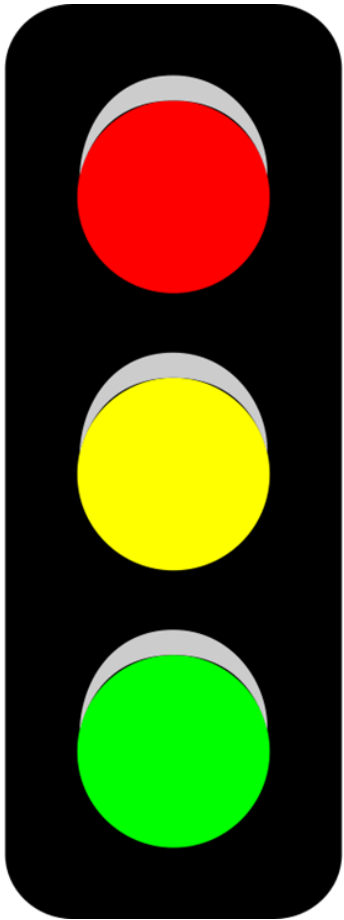
- 1) Purpose and character of use (commercial vs. non-profit)
 - 2) Nature of copyrighted work
 - 3) Amount of work used versus work as a whole
 - 4) Effect of use on market value of copyrighted work
- Not carte blanche
 - Must balance competing interests

WHEN THINGS GO WRONG

- Identifying and managing risks
- Risk mitigation
 - Minimize reliance upon third party content
 - Engage in GOOD faith activities
 - Proper attribution
 - Make (and document) attempts to secure permission
- Enforcement of copyright
 - Usually through cease and desist
 - Contact OGC
 - Usually an amicable resolution



KNOW BEFORE YOU GO



- Ignoring cease-and-desist letters, takedowns
- Third party content used without permission and for non-teaching purposes (e.g., decorative, entertainment)
- Using more third-party content than reasonably necessary to achieve teaching objective
- Using third-party content without credit and attribution
- Combining or adapting third-party resources where source permissions are unclear
- Using third party content with permission
- Adhering to Creative Commons
- All original content

RESOURCES

- Library staff
- Office of General Counsel
- US Copyright Office



www.copyright.gov

- Creative Commons

www.creativecommons.org

- Stanford University

fairuse.stanford.edu

YOU HAVE REACHED YOUR
DESTINATION

