

# COPYRIGHT ISSUES IN TEACHING AND RESEARCH

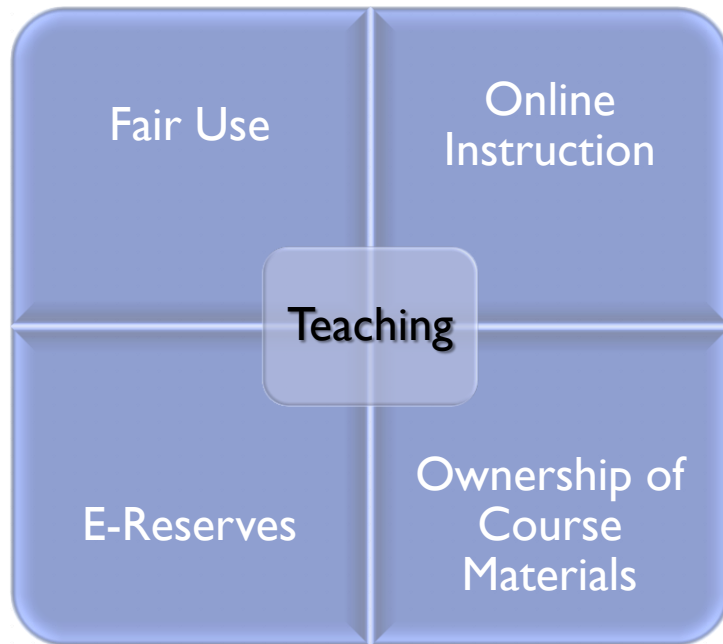
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# COPYRIGHT ISSUES FACED BY FACULTY



Copyright Issues for Faculty

# TEACHING

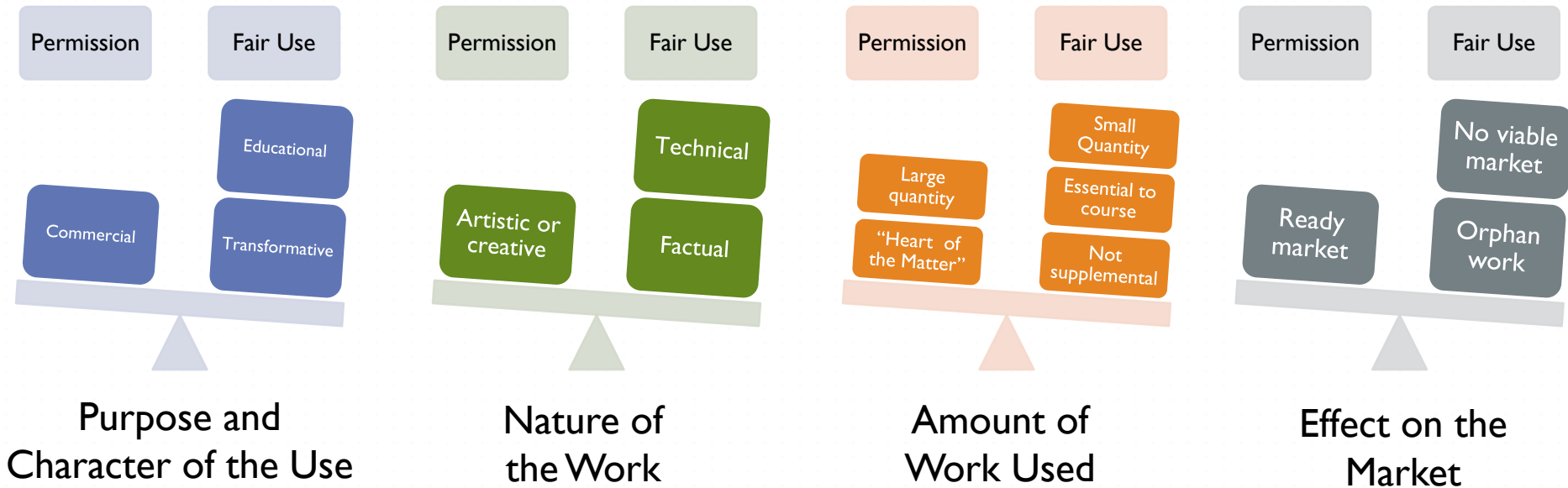
# WHAT IS FAIR USE?

- ▶ Limitation on the exclusive rights of a copyright holder
- ▶ Educational Use  $\neq$  Fair Use...but...

Educational Use Tips Balance  
in Favor of Fair Use



# FOUR FACTORS OF FAIR USE



# ONLINE INSTRUCTION

## ➤ TEACH Act, 17 U.S.C. § 110(2).

### ○ Application

- Display or performance of works in online classroom – but more limited than Fair Use
- Permits conversion of certain AV analog works – no viable digital alternative

### ○ Instructor Responsibilities

- Select works that serve pedagogical goals of the course – not supplementary
- To not adversely effect market (e.g. digitizing and posting materials in lieu of student purchase)

## ➤ Incorporation of materials into online course

### ○ Digital copies of print works

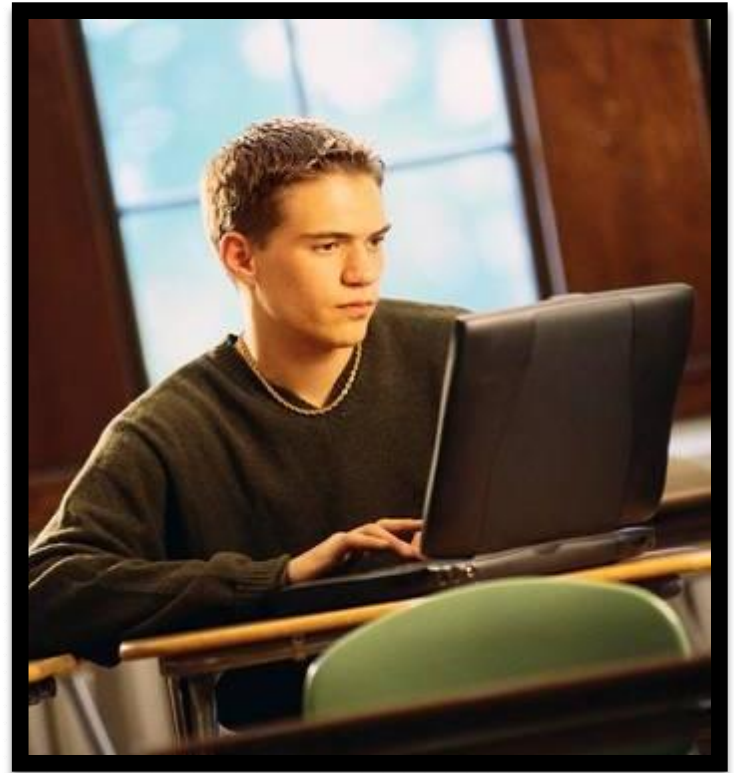
- Fair Use Analysis

### ○ Streaming media

- Quantity limits under TEACH Act – **reasonable and limited** portions of dramatic and A/V works
- BUT....can instead rely upon FAIR USE

# E-RESERVES

- Fair Use Analysis
  - Library staff will conduct analysis – seek permission where necessary
  - ARES – now integrated into Sakai/eLearning
- Work with department's library liaison to keep up to date on electronic or licensed resources -- create/find persistent links



# OWNERSHIP OF COUSE MATERIALS

- Work for Hire Doctrine
- Intellectual Property Policy [www.research.ufl.edu/otl/pdf/ipp.pdf](http://www.research.ufl.edu/otl/pdf/ipp.pdf)
  - Under Section C.2 of the Policy, “University supported works” are property of the University.
  - Section C.1.g defines “university support” as the use of University funds, personnel, facilities, equipment, materials, or technological information, and includes such support provided by other public or private organizations when it is arranged, administered, or controlled by the University.
- Article 22 of the Collective Bargaining Agreement <http://www.hr.ufl.edu/labor-relations/union.asp>
- Policy on Online Course Development <http://teach.ufl.edu/resources/intellectual-property/>
  - University owns copyright to a work of authorship by a faculty member or other employee that is created to be captured electronically for use in an online learning course.
  - The University has the right to use such course materials in the University’s online learning courses without additional compensation to the originating authors.



Copyright Issues for Faculty

# RESEARCH

# RETENTION OF RIGHTS AS AUTHOR

- Traditional publication agreements
  - Transfer of all rights to publisher
  - Impedes author's ability to use content in later publications and in teaching
  - May hinder dissemination of research
- How to negotiate publication agreement
  - Doesn't have to be all or nothing – copyright law permits unbundling of rights
  - Author Addendums/Licenses
    - SPARC - [http://www.arl.org/sparc/bm~doc/Access-Reuse\\_Addendum.pdf](http://www.arl.org/sparc/bm~doc/Access-Reuse_Addendum.pdf)
    - Creative Commons – <http://creativecommons.org>
- Research publishers and find a “good fit”
  - SHERPA RoMEO - <http://www.sherpa.ac.uk/romeo/>
  - Publish in Open Access journals – <http://www.doaj.org>

# OPEN ACCESS

- What is “Open Access” –
  - Free access, without restriction, to scholarly content via the Internet
  - It is *not* granting permission for others to use or steal your work in contradiction to your rights.
- Why is OA Important?
  - Cost of scholarly journals
  - Preserve access to locally created knowledge
  - Dissemination of knowledge to all – encourages study, collaboration, research, and production of new scholarship
- Things to Consider
  - How to locate open access journals in your field – Directory of Open Access Journals – <http://www.doaj.org>
  - Benefits of publishing in an open access journal.
  - Recognition by tenure units of publication in open access journals.



# INSTITUTIONAL REPOSITORY

## ➤ UF@IR

- Know what your rights are to your published works.
- Determine whether publishers allow deposit – and if so, what form and statement of ownership required.
- Not just for articles – conference posters, audio and video, data sets, etc

## ➤ Participate in agency or discipline specific repositories

- OpenDOAR – Directory of Open Access Repositories - <http://www.opendoar.org/>
- arXiv – pre-print repository for physics, mathematics, non-linear science, computer science – <http://arxiv.org>
- bioRxiv – pre-print repository for life sciences – <http://biorxiv.org/>

# INCORPORATION OF COPYRIGHTED MATERIALS INTO OWN WORKS

- Use works in the public domain or that are licensed for use
- Educational or Commercial Use?
  - Quotes of Text
  - Use of Images
  - Use of Audio or Video Clips
- Transformative Uses



# Questions?

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<http://guides.uflib.ufl.edu/copyright>

<http://campuscopyright.wordpress.com>

Twitter: campuscopyright

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