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Copyright, Fair Use, and Social Media Instruction for Undergraduates

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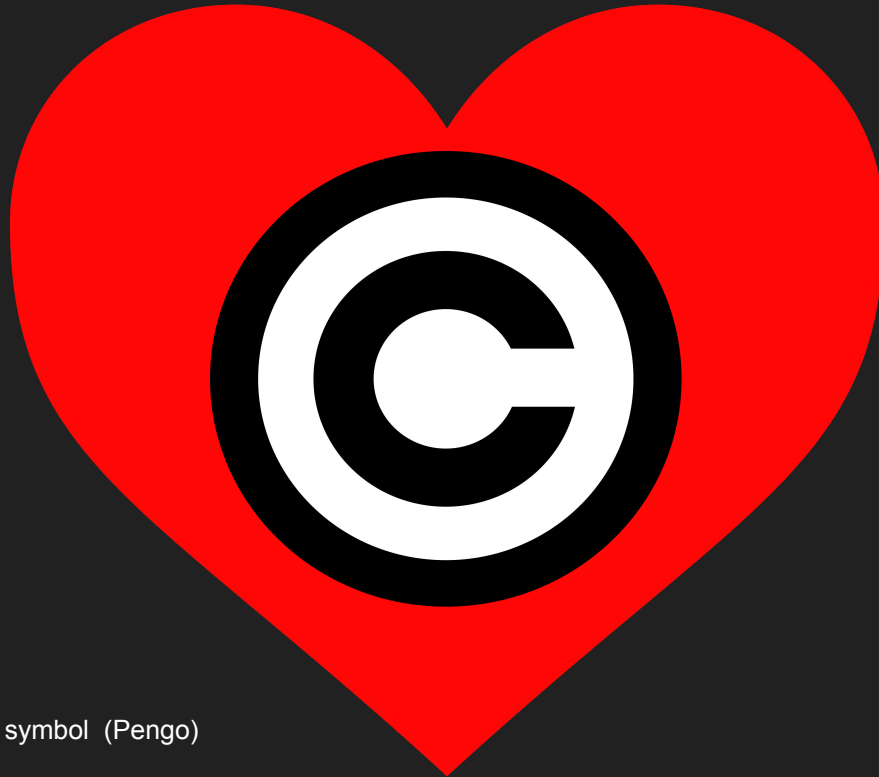
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Copyright, Fair Use, and Social Media Instruction for Undergraduates

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Copyright and Me



Heart with copyright symbol (Pengo)

@ElizabethJelly

ACRL Framework

“articulate the purpose and distinguishing characteristics of **copyright, fair use, open access, and the public domain**”

(Framework, 2015)

Current Practice

What do librarians know?

What do students know?

What are some common themes?

What is being taught?

What do librarians know?

Most academic librarians answer copyright-related ?s at work, but less than half feel prepared to do so (Charbonneau and Priehs, 2014)

Academic librarians more likely to work with faculty on copyright issues than do library instruction (Rodriguez, Greer, and Shipman, 2014)

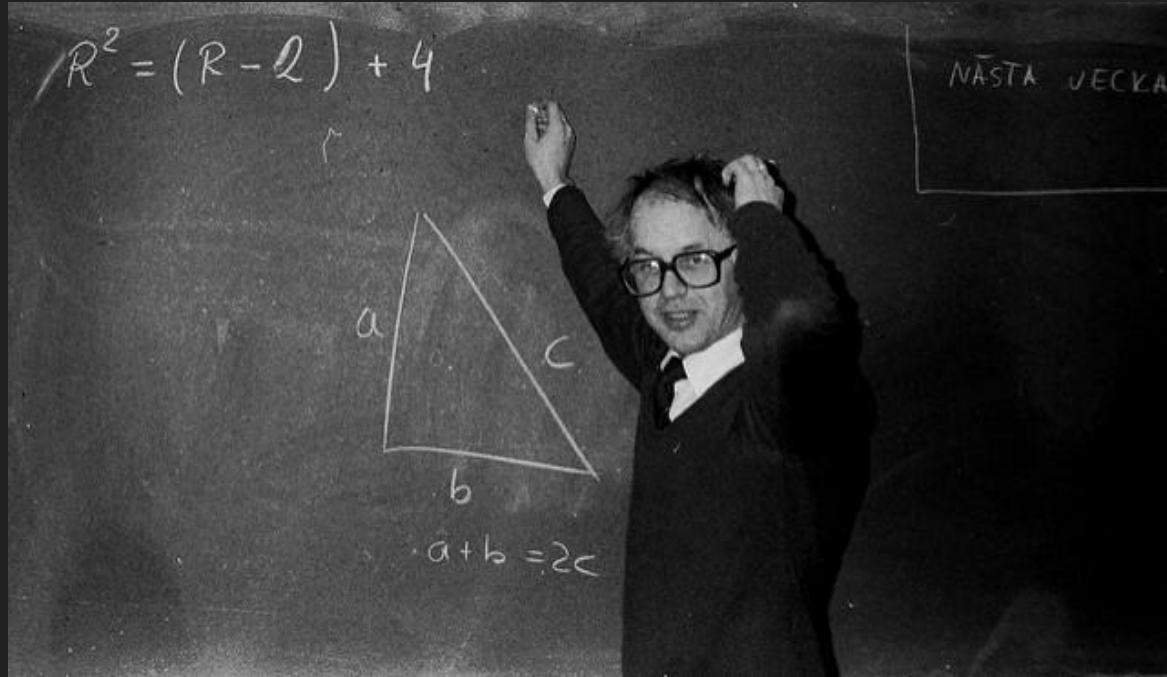
Common Themes

This is librarian work!

Focus on positive rather than punitive

**Information and digital fluency for both
finding and creating**

What is being taught?



Torsten, math teacher (blondinrikard)

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Case Studies @Loyola

UP000160 [Marquette Hall at Loyola University New Orleans] (Cresson).

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Copyright Law Overview

- Gives a creator exclusive rights to use and reuse their creations and to authorize others to use their creations
- Any individual or corporation can write text, create artwork or other images, compose and perform music or other sounds, write computer code, or create any other original content.

Types of Rights/Permissions

Copyrighted

Royalty-free

Creative

Commons

Public Domain



Creative Commons icon.

Determining Copyright

- Look for rights statements
- Check the creation date and use the Digital Copyright Slider

<http://www.librarycopyright.net/resources/digitalslider/>

- Check the Catalogs of Copyright Entries (CCEs)

<https://archive.org/details/copyrightrecords>

Fair Use



Fair Use logo (Óðinn).

- Section 107 of the copyright law
- Permits limited use of copyrighted material without obtaining the copyright holder's permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.


Where to Go for Reusable Images, Audio, Video

<http://researchguides.loyno.edu/media>

Tech for Music

@TheEllenShow Tweet
(author screenshot)

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- **to share** – to copy, distribute and transmit the work
- **to remix** – to adapt the work



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- **attribution** – You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
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Wikimedia Commons (author screenshot)

 **Ellen DeGeneres** 
@TheEllenShow  [Follow](#)

If only Bradley's arm was longer. Best photo ever. [#oscars](#)



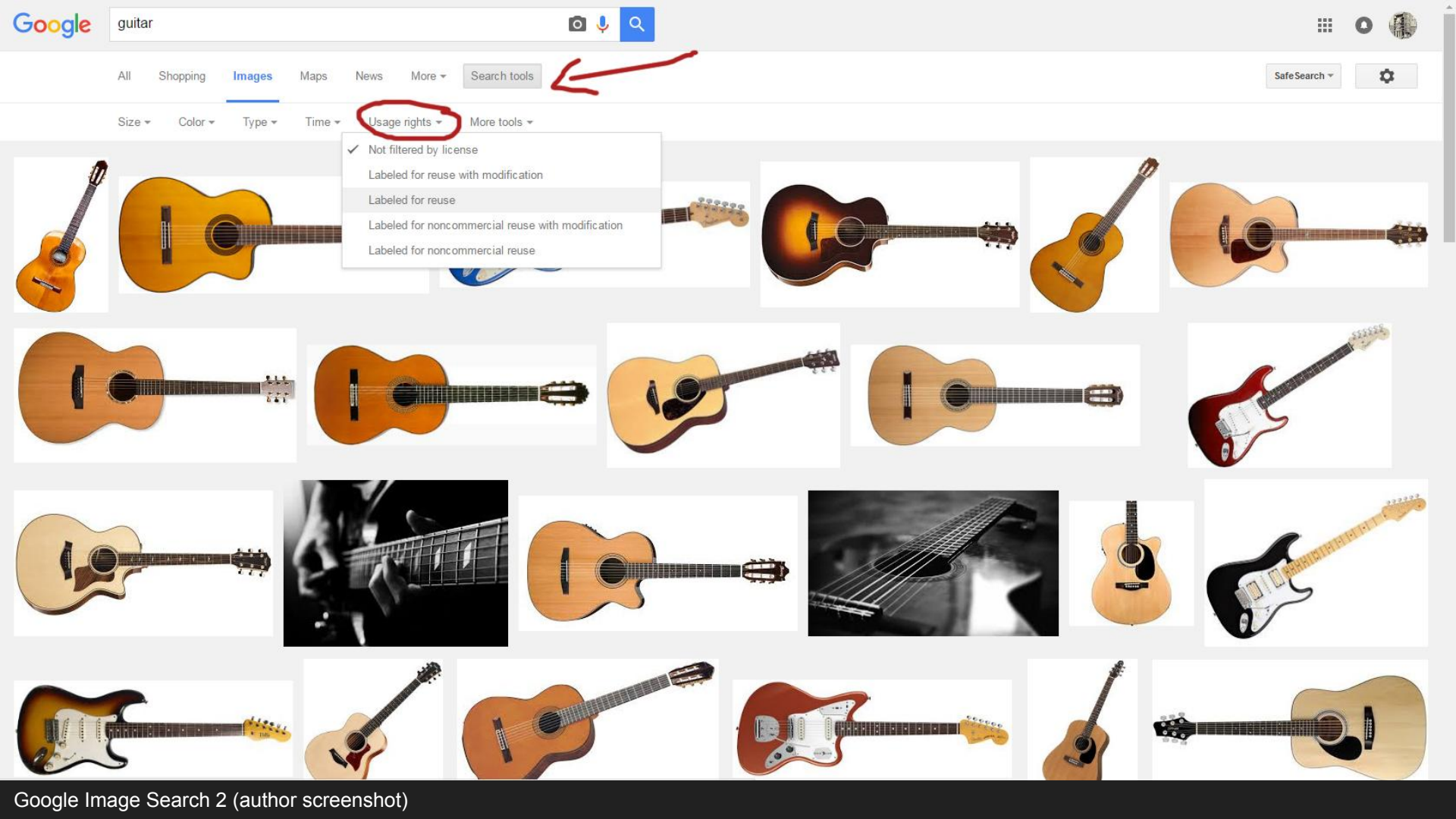
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guitar



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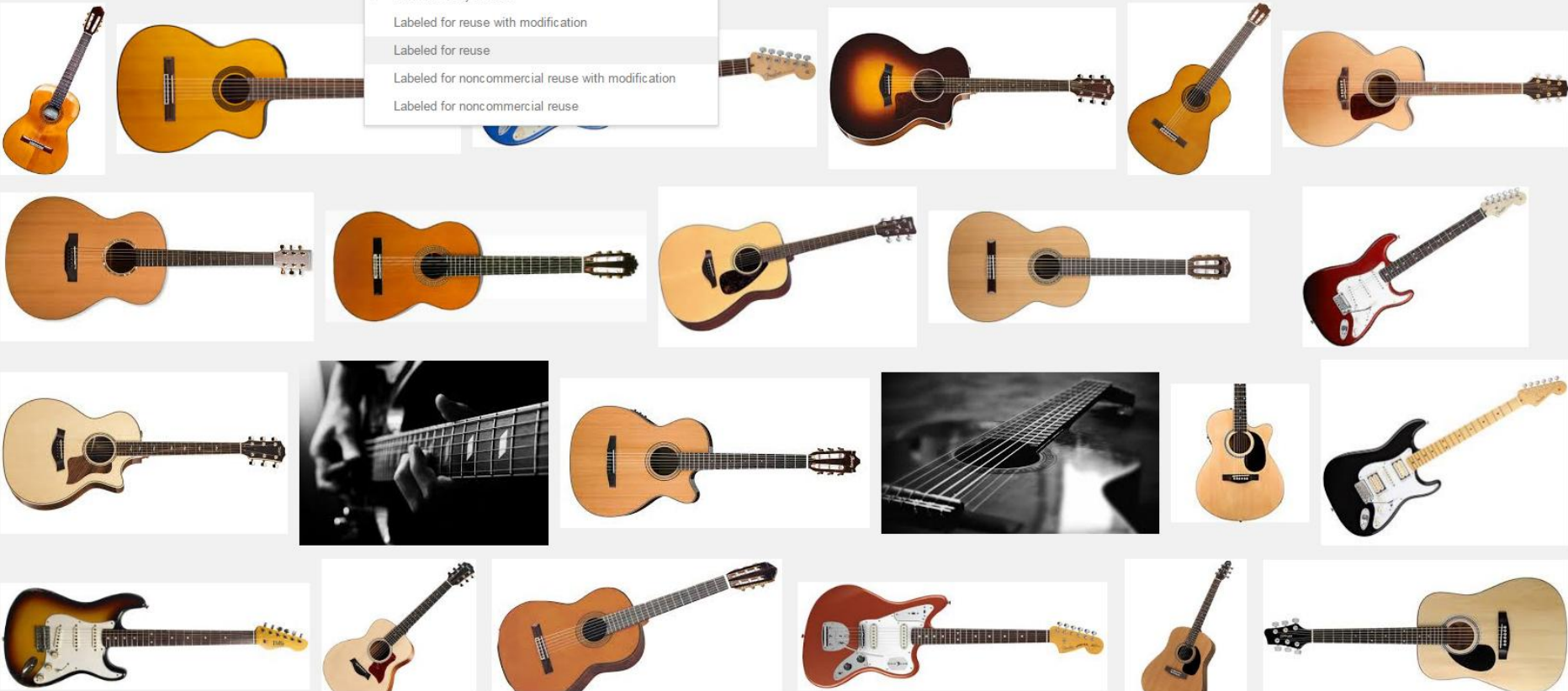
Search tools

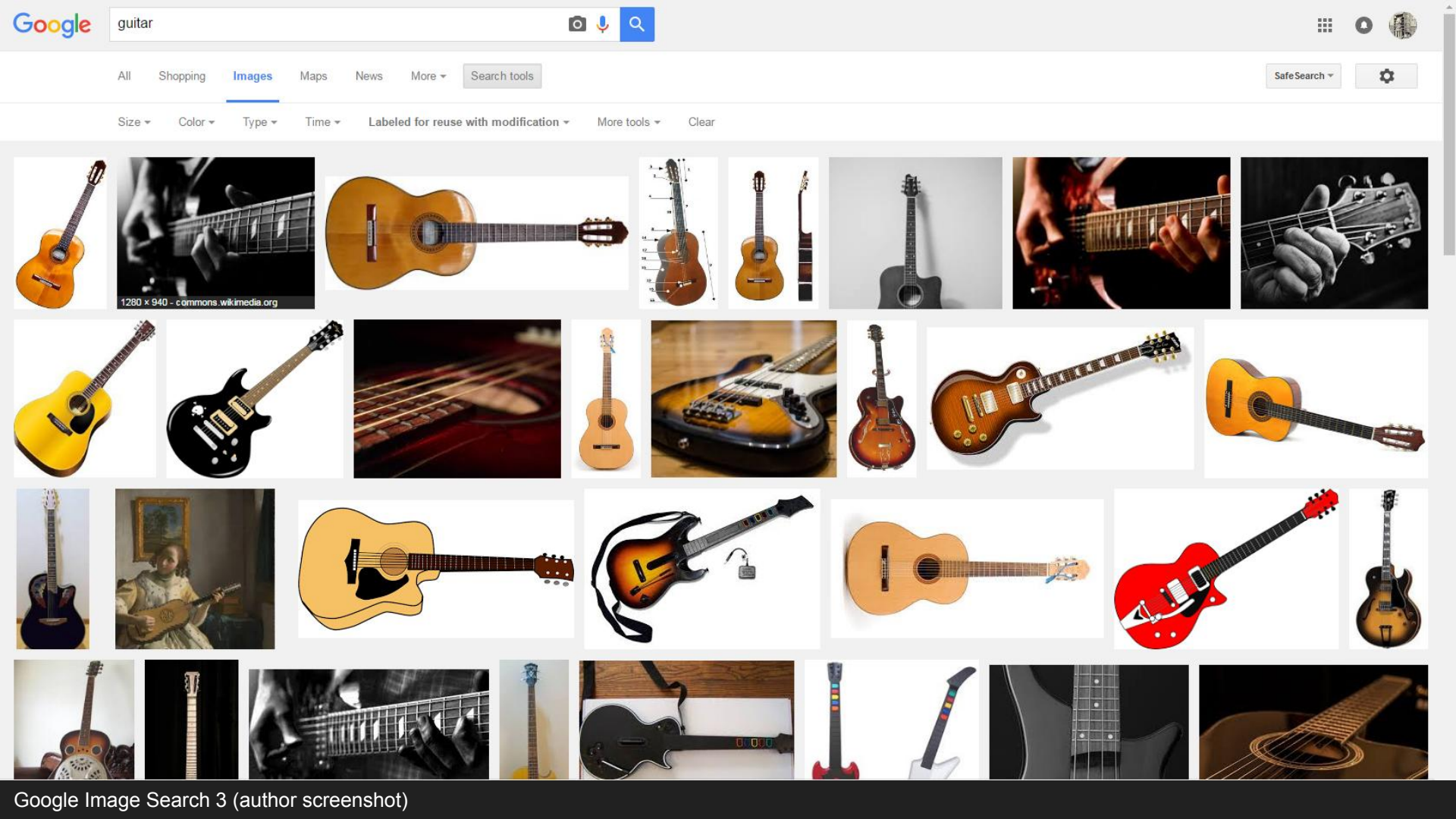
Safe Search



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- Labeled for noncommercial reuse





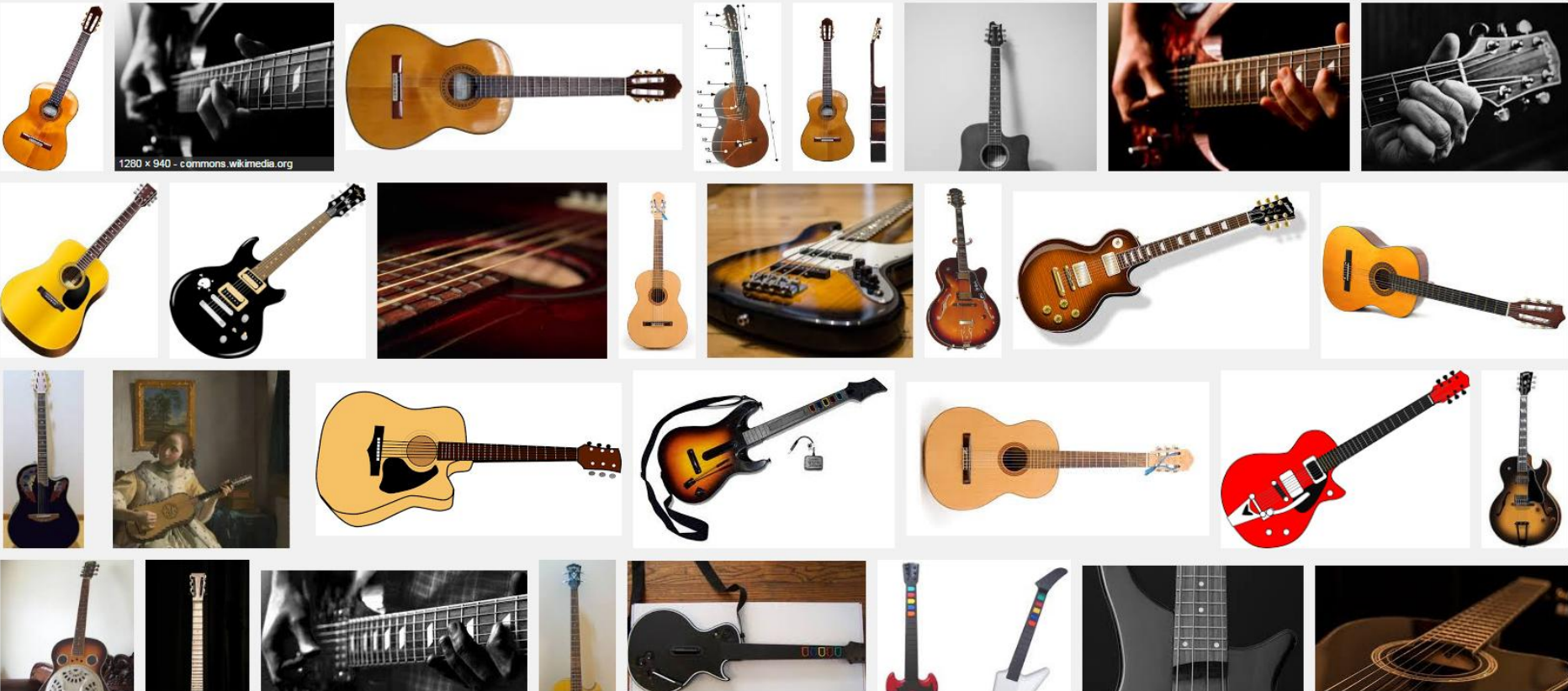
guitar



All Shopping **Images** Maps News More Search tools

Safe Search Settings

Size Color Type Time Labeled for reuse with modification More tools Clear



Google Image Search 3 (author screenshot)

Intro to Music Industry



Metadata Sticks (Burton)

“Scenario 3:

A student is surfing the web and finds the perfect photograph for her website. She clicks on the images, saves it into her website's folder, and inserts the image onto her website's homepage. She includes a citation of the photograph on her bibliography page and links to the specific website from which she took the photograph.” (Magrino, 2007).

Social Media Strategies

What about Memes?

May be OK to reuse copyrighted work if...

- the work isn't being used to make a profit
- the copyrighted work the meme is based on comes from broadcast content
- the amount of copying is relatively minor (a single or several frames of a full-length TV show)

See: <http://realitytvgifs.tumblr.com/> for example.

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About

Philosoraptor is an image macro series featuring a clip art of Velociraptor deeply immersed in metaphysical inquiries or unraveling quirky paradoxes. One of the more thoughtful (and successful) Advice Dog variations, Philosoraptor challenges the reader with his deep, existential, Paleolithic questions. See also: Raptor Jesus

Origin

LonelyDinosaur T-Shirt

The original Philosoraptor was originally created as a T-shirt design on LonelyDinosaur²⁴ by Sam Smith, who registered the copyright for his design on October 8th, 2008.



Meme

Status
Confirmed

Type:
Advice Animal

Year
2008

Origin
4chan

Tags
philosoraptor, raptor, philosophy, 4chan, single character image macro, advice dog

Additional References
Encyclopedia Dramatica

[Build Your Own](#)

Know Your Meme

Know Your Meme (author screenshot)

“In December that year, Sam Smith sent an e-mail to inform the Lonely Dinosaur staff that was fine with the image being used as a meme:

‘We’re not exactly sure who started putting text over it, and far be it from us to try and control a meme... We put a creative commons non-commercial license on it, so all your stuff is cool and we think what you’re doing is great, but now everyone thinks that the shirt we’re selling is just something we cut and pasted off the web, which kind of sucks for us. It’d be cool to see if we could put our side of the story out there and see if we can find the person who first put text over it, and have a complete history of origin of the meme.’” (Kikinak, 2009).

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What about your rights?

If you create a meme based on someone else's content, you now own the copyright for your own "original expression" but not over the parts you borrowed from someone else.



JLaw mashup (Kelly)

@ElizabethJelly

What About Social Media?



Artist Richard Prince (The Daily English Show)

@ElizabethJelly

Best Practices and Advice

Practical tips for avoiding copyright liability

“Fair Use.” *Digital Media Law Project*. Accessed 14 September 2015 at <http://www.dmlp.org/legal-guide/fair-use>

Broadcast media reuse advice from the American Bar Association

Vudrag, Pierre. “Fair Use in News and Reviews.” *GP Solo* 28:6 (2011). Accessed 12 February 2016 at http://www.americanbar.org/publications/gp_solo/2011/september/fair_use_news_reviews.html

When in doubt...

- Get permission and credit copyright holders
- Link back to originals (example: screenshots of a website)
- Consult a lawyer
- Have a “takedown” policy
- Remember who you’re representing (yourself, your school, your employer)

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Home >> Fair Use >> Related Materials >> Teaching Materials >> Fair Use in Journalism: You Be the Judge!

Fair Use in Journalism: You Be the Judge!

Journalists depend upon fair use, often without knowing it. The Set of Principles in Fair Use for Journalism was created by journalists to express the consensus of their interpretation of fair use. The Principles feature seven common situations in which journalists can and widely do employ fair use.

Here are examples of uses of copyright material in those seven situations. Test your skill and use the Principles to draw your conclusions. Then check your answers at the bottom.



The Protest Rally

Sam, a radio reporter, interviews protesters at a rally; behind them, other protesters are chanting, "All we are saying is give peace a chance"--a John Lennon song. Does he have to use other interviews instead? Yoko Ono is known to be really litigious, but Sam really likes the energy of the speakers in this

interview.

Ready? [Click here to find out how to decide!](#)



The Art Exhibit Opening

Prithi, a hyper-local blogger, is covering the opening of an exhibit of a local water-colorists. Two of the artists have emailed her pictures she can use, but she's also taking pictures of the opening. The pictures include the artworks on the walls in the background, and they're of course copyrighted. Does she have

to get the gallerist's permission? She thinks the gallerist represents them all, and probably could speak for them.

Ready? [Click here to find out how to decide!](#)

Related Blog Posts

"Fair Use Makes Documentaries Possible:" News from Tribeca Film Festival 2016 | April 21, 2016

How-tos on Making Media Matter, from the Games and Media Summit | April 21, 2016

Fair Use in Filmmaking at SXSW: Beyond Documentary | March 15, 2016

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CMSI "Fair Use in Journalism: You Be the Judge!"
(author screenshot)

Copyright Instruction Good Practices

Ask what the students will be doing

Research

Use real-world examples

Know your institution's IP policies

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Helpful Resources

Center for Media and Social Impact

<http://cmsimpact.org/>

KnowYourMeme

<http://knowyourmeme.com/>

The Scout Report: U.S. Copyright and Intellectual Property and Licensing

<https://scout.wisc.edu/report/2016/0318>

Wikimedia EduWiki Campaign Lessons Plans

https://outreach.wikimedia.org/wiki/Education/EduWiki_Campaign/Lesson_Plans

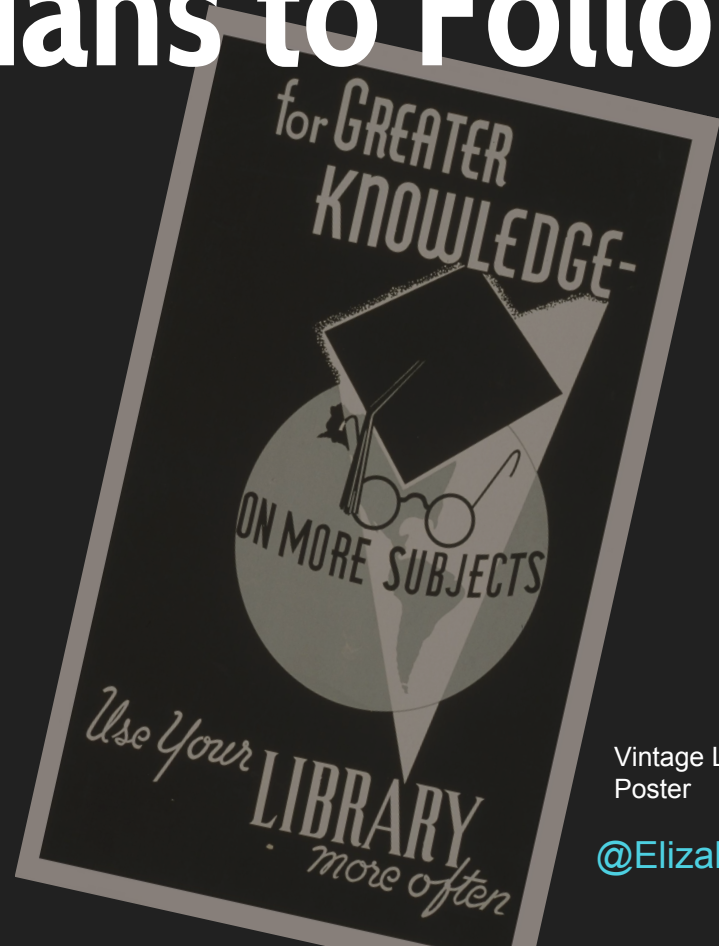
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Lawyer/Librarians to Follow

Kyle K. Courtney, @KyleKCourtney
<http://kylecourtney.com/>

April Hathcock, @AprilHathcock
<https://aprilhathcock.wordpress.com/>

Nancy Sims, @CopyrightLibn
<http://simsjd.com/copyrightlibn/>



Vintage Library
Poster

[@ElizabethJelly](https://twitter.com/ElizabethJelly)

Images Used

["@TheEllenShow Tweet,"](#) [Twitter](#), 2014. Author's screenshot.

[blondinrikard,](#) "[Torsten, math teacher.](#)" [Flickr](#), 2008. Used under [CC BY-SA 2.0](#) / resized.

[Burton, Gideon,](#) "[Metadata Sticks.](#)" [Flickr](#), 2009. Used under [CC BY-SA 2.0](#) / resized.

Center for Media & Social Impact, "Fair Use in Journalism: You Be the Judge!" 2016. Author's screenshot.

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Cresson, Russell, "[UP000160.](#)" Loyola University, New Orleans. [Louisiana Digital Library](#), n.d. Used with permission.

["File:Old violin.jpg,"](#) [Wikimedia Commons](#), 2006. Author's screenshot.

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["Philosoraptor,"](#) [Know Your Meme](#), 2009. Author's screenshot.

[The Daily English Show,](#) "[Artist Richard Prince Makes Thousands Selling Other People's Instagram Pictures.](#)" [Flickr](#), 2015. Used under [CC BY-SA 2.0](#) / resized.

"Vintage Library Poster." [Public Domain Pictures.net](#), nd. Public domain.

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Association of College and Research Libraries. "[Framework for Information Literacy for Higher Education](#)." *ALA*, 2015. Web.

Charbonneau, Deborah H. and Michael Priehs. "[Copyright Awareness, Partnerships, and Training Issues in Academic Libraries](#)," *Journal of Academic Librarianship* 40, no. 3/4 (May 2014): 228–33.

Contrera, J. "[A reminder that your Instagram photos aren't really yours: Someone else can sell them for \\$90,000.](#)" *Washington Post*, 2015. Web.

Kikinak. "[Philosoraptor](#)." [Know Your Meme](#). Cheezburger, Inc., 2009. Web.

Magrino, William. "[Rutgers Business & Technical Writing - Teacher Resources - Plagiarism](#)" (link no longer works). [Computing Services for Faculty & Staff](#). Rutgers University, 2007. Web.

Rodriguez, Julia E., Katie Greer, and Barbara Shipman. "[Copyright and You: Copyright Instruction for College Students in the Digital Age](#)." *Journal of Academic Librarianship* 40, no. 5 (September 2014): 486–91. Web.

Thank you!

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Full Bibliography at <https://goo.gl/dw4ieW>

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