Pedagogy Considerations

Questions to consider when choosing items for your course:

- Why do I need THIS item?
- Will something else work?
- How will it HELP my students?
- How will it ENHANCE my curriculum?
- Does the copyrighted material help me make MY point?
- Have I used NO MORE than is needed to make my point?
- Will it help my students get MY point?

Copyright Considerations

Once you have found your course items and considered the pedagogy questions, it is time to consider the copyright. Ask yourself these questions in order:

- Is there a copyright to worry about?
- Does any license cover my use?
- Is there a specific exemption that applies?
- Is it a fair use? Consider the 4 Factors of Fair Use.
- How do I ask for permission?
- Who do I ask for permission?

Where to Get Help:

Julie Rustad
Online Learning & Distance Education Librarian
jrustad@css.edu
218-723-6535

CSS Library
library@css.edu
218-723-6140
What is copyright?

A federal law that provides exclusive rights and protection for original works of authorship

A limited, statutory monopoly giving exclusive rights to the creator or author.

What is the purpose of copyright?

To benefit the public by advancing the progress of science and the useful arts.

Why is copyright important?

Provides protection in the US for original works of authorship

Gives a bundle of exclusive rights to the copyright holder

Allows the copyright holder to make money off their labor and creations

What is protected by copyright?

Anything that is created in original works of authorship that is “fixed in any tangible medium of expression”

Includes anything:

Original or creative in nature

No set rule on creativity as long as it is more than a listing of facts.

Written or typed

Stored in a computer

Recorded in an audio or video format

Exclusive Rights of the Copyright Holder

To reproduce the copyrighted work in copies;

To prepare derivative works based upon the copyrighted work;

To distribute copies to the public by sale or other transfer of ownership or by rental, lease or lending;

To perform the copyrighted work in public (movies, plays, music, etc.);

To display the copyrighted work in public (images, dramatic, sculptures, pictorial, graphics, etc.)

Fair Use

What is it?

Any use or copying of copyrighted materials done for a limited and transformative purpose;

A defense against a claim of copyright infringement;

A balancing test comprising four factors - the exclusive rights of the creator vs. the user.

What is the Purpose of fair use?

A defense in the law for the purposes of using copyrighted materials without asking for permission or paying copyright fees.

Acceptable Forms of Fair Use:

Education
Research
Commentary or Criticism
News Reporting
Satire or Parody

Four Factors of Fair Use to Consider:

1. Purpose & Character

What is it?

Why are you using it?

2. Nature of the Work

Is it published or not published?

Is it creative, or fact based, or non-fiction?

3. Portion Used

How much is being used?

Is it the “heart” of the work?

4. Impact on the market

Does it impact the market for the original work?

Is it available in the format you want at a reasonable cost?

Always use 4 Factor Test when considering Fair Use!

REMEMBER - Less is More!!