UF/IFAS COMMUNICATIONS BOOT CAMP

TACTICAL SKILLS TRAINING WORKSHOP

https://abe.ufl.edu/people/staff

UF|IFAS
UNIVERSITY of FLORIDA

Copyright Basics
Pandemic Edition

UF/IFAS Communications ONLINE Bootcamp

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Learning Objectives

After this presentation, you should be able to:

1. Identify and avoid common legal or ethical issues that can occur when creating, delivering or using intellectual property as a UF/IFAS employee

2. Assess potential legal or ethical risks that can come about when moving traditionally face-to-face activities online.

3. Know the resources available to you for managing intellectual property and handling copyright questions or issues.

Key Terms

- **Copyright:** the exclusive rights granted by law to the copyright owners for protection of their work

- **Copyright license**: an agreement where the copyright owner maintains ownership of the rights involved but allows someone else to exercise some or all those rights.

- **Plagiarism**: taking someone else's work and passing it off as your own (also, self-plagiarism)

Key Terms

- **Fair Use Doctrine**: the doctrine that brief excerpts of copyright material may, under certain circumstances, be quoted verbatim without the need for permission from or payment to the copyright holder.

- **Classroom Use Exemption** (17 U.S.C. §110(1)) allows instructors in non-profit education institutions to perform or display copyrighted materials during face-to-face teaching activities.

- **The TEACH Act** (2002) Extends the classroom use exemption for distance education. Limited to mediated instructional activities delivered to a specific class of errolled students.

Information Landscape

Research can be translated into many creative outputs

- Blog post
- County fact sheet
- Email written report (to client)
- EDIS publication
- Newsletter article (print-based)
- Written report (to employer: county / Extension system)
- Written scenario for training presentation
- Journal article

- E-newsletter article
- Press release
- Social media post (Facebook, Twitter)
- Online photo database
- Online video
- Public service announcement
- Section in a diagnostic manual / toolkit

(Warner, 2016)

Copyright at UF/IFAS

- UF/IFAS publications, blog posts, web content, etc., are intellectual property owned by the University of Florida.

- As a UF/IFAS employee, using UF/IFAS content (even your own) improperly in support of your work, while it may not be illegal, can raise issues of plagiarism or academic dishonesty.

- Refer reasonable external requests to use UF/IFAS intellectual property to IFAS Communications – even if you created it.

Criteria for Granting Permission to Reproduce or Reuse UF/IFAS IP

1. There is no impact on commercial potential of the work itself or any technology being described in the work;

2. There is no adverse impact on the work itself; and

3. The requesting organization is of acceptable integrity for association with the University.

Fair Use Doctrine

Permits unlicensed use of copyrighted materials for things such as criticism, comment, news reporting, teaching, scholarship, and research.

Four factors:

1. How you are using it?
2. Nature of the copyrighted work?
3. How much of it you are using, and how important that part is to the original work?
4. What effect will your use have on the value of the work?

Source: https://www.copyright.gov/fair-use/more-info.html

Your Purpose

Favoring Fair Use

- Nonprofit educational inst.
- Teaching
- Research
- Scholarship
- Criticism
- Comment
- News reporting
- Transformative use
- Restricted access
- Parody

Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

Nature of Work Being Used

Favoring Fair Use

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

Opposing Fair Use

- Unpublished work
- Highly creative work
  - art,
  - music,
  - novels,
  - films,
  - plays
- Fiction

Amount Being Used

Favoring Fair Use

- Small quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

Opposing Fair Use

- Large portion or whole work used
- Portion used is central to or "heart of the work"

Effect of Your Use

Favoring Fair Use

- User owns lawfully purchased or acquired copy of original work
- One or few copies made
- No significant effect on the market or potential market for copyrighted work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on the Web or in other public forum
- Repeated or long-term use

Rapidly shifting your course from in-person to online

https://www.lib.umn.edu/copyright/rapidly-shifting-a-course-online

Last updated 3/13/2020

Recording video of yourself, live-casting lectures, etc.

Slide Images

- If it was legal in-person, it is likely legal for <mark>restricted audience</mark>
    - Course websites limited to enrolled students
    - Posting a recording on a (private) course website

Audio or Video

Classroom Use Exemption allows playing from physical media, not streaming

- Limit to brief clips included in lecture recording (fair use)

- For longer content, have students access independently outside lecture.

- For more information: https://guides.uflib.ufl.edu/copyright/video

Posting to YouTube

- Post to secure server where you can control who accesses it
- YouTube
  - use your UF Google account
  - the same basic legal provisions apply
  - may encounter automated copyright enforcement
  - Use privacy settings

Course readings and other resources

It's always easiest to link!

- Publicly available content

  …unless it looks like it is obviously infringing copyright

- Licensed subscription content through UF library

- Florida Electronic Library for county audiences: https://www.flelibrary.com/

Sharing copies

- Downloading then uploading files

- Scanning physical documents

- Don't copy whole works – a portion (fair use)

- If you are not sure, look for alternative content

Multimedia viewing / listening

- UF Libraries licensed streaming video content (https://guides.uflib.ufl.edu/copyright/video)

- UF libraries streaming audio content

- Standard commercial streaming options like Netflix, Amazon, Hulu, and Disney+ may sometimes be the easiest option.

Simple Steps that Lower Risk

- Link to content

- Limit distribution

- Limit the time

Resources

- UF "Copyright on Campus" libguide
https://guides.uflib.ufl.edu/copyright
Perry Collins, Scholarly Communications Librarian

- UF's Intellectual Property Policy
http://innovate.research.ufl.edu/tech-licensing/

More Questions? Need help?

https://guides.uflib.ufl.edu/copyright

Proper Image Sourcing

http://photos.ifas.ufl.edu/

Other UF & IFAS resources

- UF Stock Photography http://identity.ufl.edu/resources/stock-photography/
- Entomology & Nematology Image Gallery http://entomology.ifas.ufl.edu/imgs/
- Photos by UF/IFAS employees***

***IF the person who took the photos was on the job when they took the photos, and

IF the person who took the photos was using UF/IFAS photographic equipment, and

IF the person who took the photos did so as part of their routine job responsibilities.

Other Extension-related images

- Federal Government
  - ARS Image Gallery https://www.ars.usda.gov/oc/images/image-gallery/
  - MyPlate graphics https://www.choosemyplate.gov/myplate-graphic-resources
  - Public Health Image Library (PHIL) https://phil.cdc.gov/

- Other Credible sites
  - Bugwood.org (U. of Ga. Center for Invasive Species & Ecosystem Health) https://www.bugwood.org/ImageArchives.html
  - PMN Image Database (American Phytopathological Society Plant Management Network) http://www.plantmanagementnetwork.org/images/

Other Image Sources

- University Library Image "LibGuides"
  - UF: http://guides.uflib.ufl.edu/c.php?g=147518&p=5515472
  - Minnesota: https://libguides.umn.edu/c.php?g=850565
  - UC-Berkeley: http://guides.lib.berkeley.edu/bioscience-videos/images-2
- Wikimedia Commons https://commons.wikimedia.org/
- Flickr.com
- Google Images https://images.google.com/
  - Tools > usage rights > labeled for noncommercial reuse
  - Search by image

Beware!!

e.g.:

Freegreatpicture.com

https://www.freegreatpicture.com/term-of-service

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