

2012 Webcast Audio Seminar Series

Promise and Challenges of Virtual Learning Environments



Overview

- Social Media
- Social Media in Education
- Copyright and Fair Use

Social Media



Copyright and Fair Use in terms of Social Media

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Overview

- Social Media
- Social Media in Education
- Copyright and Fair Use
- **How not to go to jail!**



Social Media

- 750 million Facebook users
– 90 pieces of content/month/user
- 175 million Twitter accounts
– 140 million Tweets/day
- 120 million LinkedIn members
– >2/second

Faculty Focus September 2011)

Higher Ed Faculty - Social Media

- Facebook – 84%
- Twitter – 50%
- LinkedIn – 67%

Faculty Focus – Survey of 860 faculty 2011

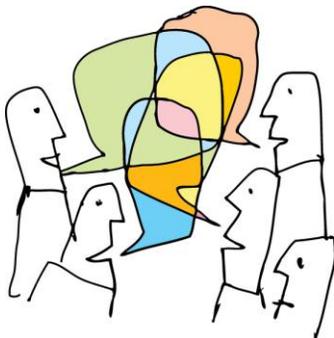
Higher Ed Faculty - Social Media

	Personal Use	Professional Use
• Facebook	36%	3%
• Twitter	11%	12%
• LinkedIn	7%	43%

Faculty Focus – Survey of 860 faculty 2011



Social Media



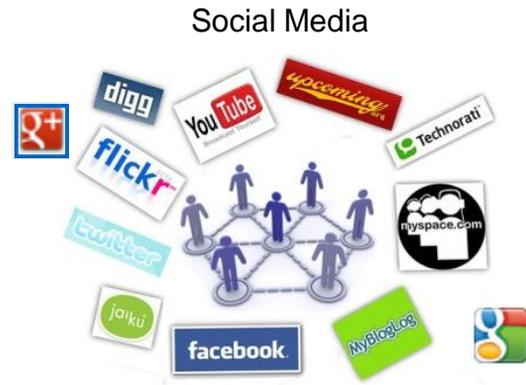
Social Media

The whole purpose of social media is to connect people in order to facilitate the sharing of thoughts, experiences, pictures, prose, etc.



Social Media in Education

- Facilitate interaction among students
- Enhance communications (24/7)
- Encourage group/team learning
- Promote information seeking behaviors
- Strive for evidence based inquiry



Copyright and Fair Use in Social Media



“To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; . . . ”



Copyright- Title 17 of the US Code

“The primary objective of copyright is not to reward the labor of authors, but to promote the Progress of Science and useful Arts. To this end, copyright assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work.”

-- Justice Sandra Day O'Connor (*Feist Publications, Inc. versus Rural Telephone Service Co., 1991*)

Fair Use – originally enacted in 1909

Sec. 107. - Limitations on exclusive rights:

Fair Use (1976)

. . . the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

From: Legal Information Institute

Fair Use - Guidelines

The law offers four factors to evaluate and balance in any determination of fair use:

- The **purpose** of the use;
- The **nature** of the work;
- The **amount** of the work copied;
- The **effect** of the copying on the potential market for, or the value of, the original work.

From: Copyright Essentials for Librarians and Educators, by Kenneth D. Crews, 2000

Fair Use in Social Media

The meaning of Fair Use becomes much more rigorous when materials are uploaded to social media sites and made globally accessible, whereby the content may be downloaded, altered, and further transmitted by others anywhere in the world.

Fair Use in the Digital Age

Conference on Fair Use – 1995 to 1998
(CONFU)

Digital Millennium Copyright Act – 1998
(DMCA)

TEACH Act

Technology, Education, and
Copyright Harmonization Act

(November 2002)

TEACH Act

Provides educators with a separate set of rights in addition to Fair Use, to display and perform others' works. These rights apply to any work, regardless of the medium.

From: Univ. Texas Copyright Crash Course

TEACH Act

- **Objective:** strike a balance between protecting copyrighted works, while permitting educators to use those materials in distance education.
- If educators remain within the boundaries of the law, they may use certain copyrighted works without permission from, or payment of royalties to, the copyright owner - and without copyright infringement.

TEACH Act - Duties of Institution

- Accredited nonprofit institution
- Institutional copyright policy in place
- Provide copyright information to "faculty and relevant staff members."
- Notice to students regarding copyright
- Access by enrolled students only

From: Kenneth D. Crews for the American Library Association

TEACH Act – Benefits to faculty

Primary benefit of TEACH act is that it redefines the "digital classroom" to include Web based and asynchronous instruction rather than limiting teaching to the paradigm of closed-circuit TV based distance education.

TEACH Act – Benefits to faculty

- Expanded range of allowed works
 - Permits display of nearly all types of works
- Expansion of receiving locations
 - Distance education/Web based/asynchronous
- Storage of content
 - Short term retention (duration of course)
- Digitalization of analog works
 - Only if digital version is not available

TEACH Act - Duties of Faculty

- Cannot use materials specifically developed (by someone else) for distance education without permission.
- Statute mandates instructor's participation in the planning and conduct of the distance instruction
 - Material is an "integral part of class session."
 - Material "directly related to content of teaching session"

TEACH Act

Nothing in the TEACH Act is intended to limit or otherwise alter the scope of the Fair Use doctrine.

From: Senate Report (107-31) accompanying the TEACH Act

Fair Use in Social Media

Conclusions

Social media and digital technologies have pushed the envelope of copyright law. However, Fair Use and, if applicable, the TEACH Act provides guidelines and/or protection for academics involved in educational activities.

Intellectual Property Rights

Who owns what you create?????



Intellectual Property Rights

- Copyright protection begins the moment an original work is "**fixed in a tangible medium of expression.**"
- The author is the de facto copyright holder unless other issues come into play.

No need to register and
no © sign required

From: NCSU Libraries "Copyright Tutorial"

Intellectual Property Rights

- Each University has its own guidelines for "ownership".
- Anything written in or uploaded to a social media site is copyright protected

Copyright and Fair Use in Social Media

General Rules of Thumb



Copyright and Fair Use in Social Media

General Rules of Thumb

- Assume everything you post is accessible to anyone in the world and it is permanent.
- The author owns everything they post (EXCEPT when otherwise stipulated by the site).
- Just because something is on a social media web site it does not make it free for everyone to use.

Conclusions

Copyright and Fair Use in Social Media

Copyright and Fair Use in Social Media

General Rules of Thumb (cont.)

- Use hyperlinks to photos, PDFs, and other documents rather than posting originals.
- Rules of liable and defamation of character still apply.
- HIPAA issues should be major concerns for medical educators!

Conclusions

Copyright and Fair Use are designed as 'guidelines' rather than definitive rules.



The Curse of the Black Pearl
(2003)

Captain Barbossa:

“ . . . the code is more what you'd call
'guidelines' than actual rules.

Welcome aboard the Black Pearl, Miss Turner.”



(The Internet Movie Database, www.imdb.com)

Conclusions

Copyright and Fair Use are designed as 'guidelines' rather than definitive rules.

Flexible is GOOD!

Conclusions

Social media requires us to rethink some our approaches to copyrights

Conclusions

Social media should be considered similarly to other forms of digital or web-based communication.

Conclusions

Common sense and logic will probably hold you in good stead!

Conclusions

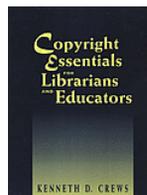
Copyright and Fair Use in Social Media

Is alive and well!

Resources

Copyright Essentials for Librarians and Educators

By Kenneth D. Crews
Director, Cornell Copyright Information Center

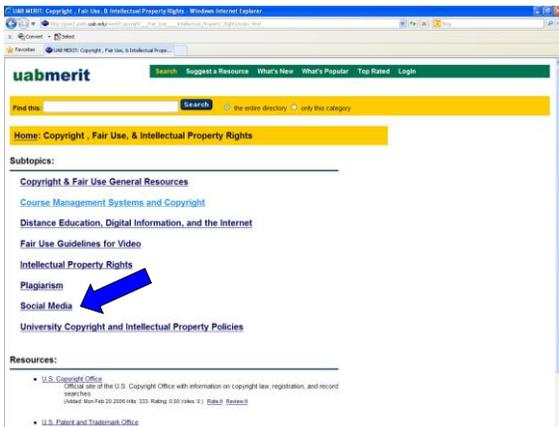
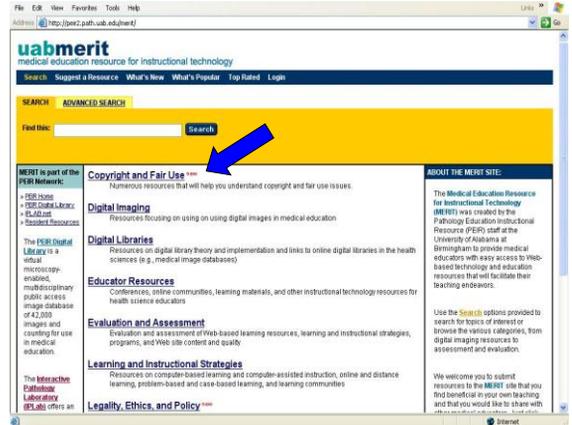
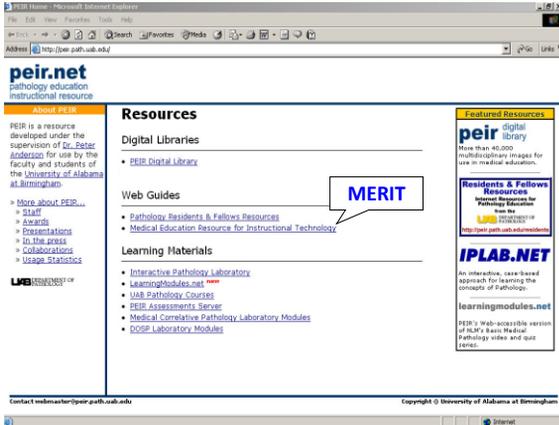


Resources

UT Crash Course in Copyright

Cornell Copyright Information Center

Links to other resources:
Medical Education Resource for Instructional Technology (MERIT)



International Association of Medical Science Educators

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Questions/Discussion

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