

2012 Webcast Audio Seminar Series

**Promise and Challenges of
Virtual Learning Environments**



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Copyright and Fair Use in terms of Social Media

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Overview

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

Overview

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



Social Media



Social Media



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

Higher Ed Faculty - Social Media

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

Higher Ed Faculty - Social Media

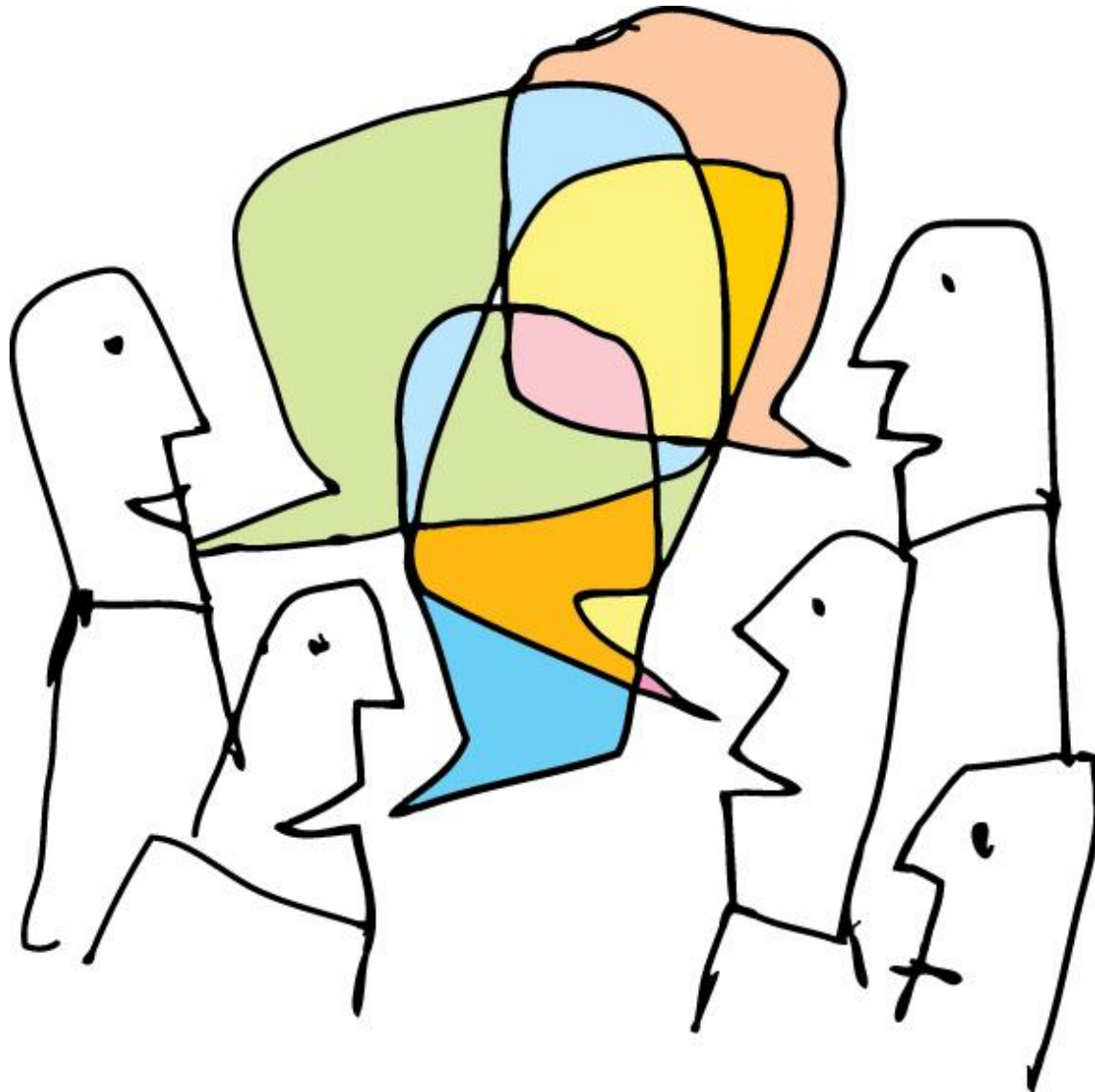
	Personal Use	Professional Use
• Facebook	36%	3%
• Twitter	11%	12%
• LinkedIn	7%	43%



**Social
media**

A graphic featuring the words "Social" and "media" in a bold, blue, 3D-style font. The text is surrounded by a dense cluster of small, translucent blue and yellow spheres, resembling bubbles or data points, which are scattered around the letters. The background is plain white.

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

Social Media



Copyright and Fair Use in Social Media



Copyright

CONFU

Digital Millennium Copyright Act



Fair Use



DMCA

We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and including Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and until such Enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York ten, New Jersey five, Pennsylvania eight, Delaware one, Maryland one, Virginia one, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Governor thereof shall fill the Vacancies by electing Representatives.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for a Term of six Years, and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Clauses, the Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Course of the Legislature of any State, the Governor thereof may fill the Vacancies by temporary appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless he be equally elected. The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment.



US Constitution - 1787

“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.

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, **E**ducation, **a**nd
Copyright **H**armonization 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.

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.

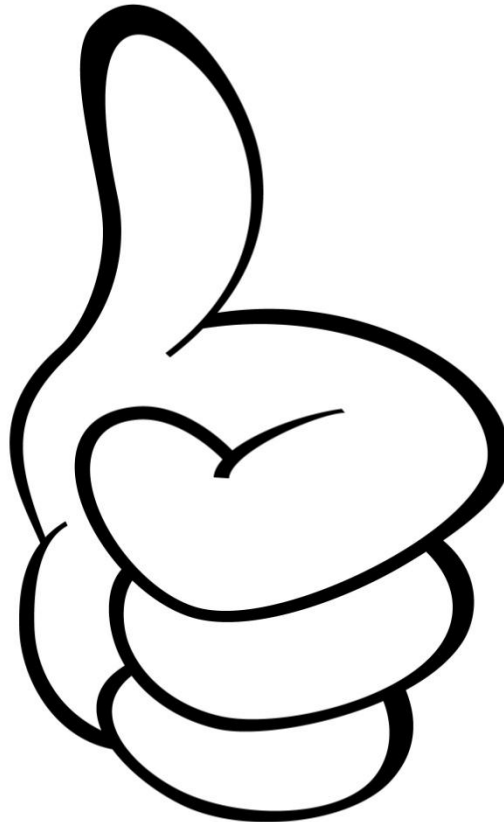
No need to register and
no © sign required

Intellectual Property Rights

- Each University has it's 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.

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
in Social Media**

Conclusions

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



The Curse of the Black Pearl

(2003)

Captain Barbosa:

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

Welcome aboard the Black Pearl, Miss Turner.”



Conclusions

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

Flexible is GOOD!

Conclusions

Social media requires us to rethink
some of 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**

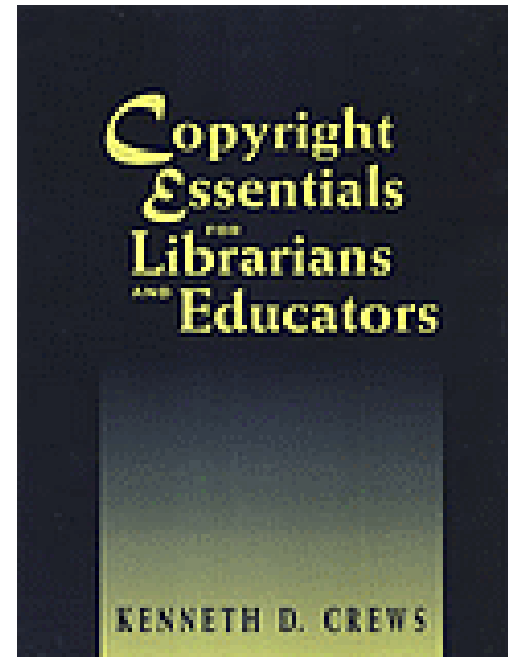
Is alive and well!

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)

peir.net

pathology education
instructional resource

About PEIR

PEIR is a resource developed under the supervision of [Dr. Peter Anderson](#) for use by the faculty and students of the [University of Alabama at Birmingham](#).

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- » [Collaborations](#)
- » [Usage Statistics](#)



Resources

Digital Libraries

- [PEIR Digital Library](#)

Web Guides

- [Pathology Residents & Fellows Resources](#)
- [Medical Education Resource for Instructional Technology](#)

MERIT

Learning Materials

- [Interactive Pathology Laboratory](#)
- [LearningModules.net](#) **new**
- [UAB Pathology Courses](#)
- [PEIR Assessments Server](#)
- [Medical Correlative Pathology Laboratory Modules](#)
- [DOSP Laboratory Modules](#)

Featured Resources

peir digital library

More than 40,000 multidisciplinary images for use in medical education.

Residents & Fellows Resources

Internet Resources for
Pathology Education

from the
 DEPARTMENT OF
PATHOLOGY

<http://peir.path.uab.edu/residents>

IPLAB.NET

An interactive, case-based approach for learning the concepts of Pathology.

learningmodules.net

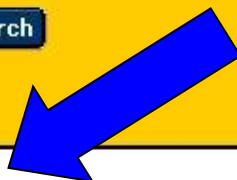
PEIR's Web-accessible version of NLM's Basic Medical Pathology video and quiz series.

uabmerit

medical education resource for instructional technology

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Find this:

Search**MERIT is part of the
PEIR Network:**

- » [PEIR Home](#)
- » [PEIR Digital Library](#)
- » [IPLAB.net](#)
- » [Resident Resources](#)

The [PEIR Digital Library](#) is a virtual microscopy-enabled, multidisciplinary public access image database of 42,000 images and counting for use in medical education.

The [Interactive Pathology Laboratory \(IPLab\)](#) offers an

Copyright and Fair Use new

Numerous resources that will help you understand copyright and fair use issues.

Digital Imaging

Resources focusing on using on using digital images in medical education

Digital Libraries

Resources on digital library theory and implementation and links to online digital libraries in the health sciences (e.g., medical image databases)

Educator Resources

Conferences, online communities, learning materials, and other instructional technology resources for health science educators

Evaluation and Assessment

Evaluation and assessment of Web-based learning resources, learning and instructional strategies, programs, and Web site content and quality

Learning and Instructional Strategies

Resources on computer-based learning and computer-assisted instruction, online and distance learning, problem-based and case-based learning, and learning communities

Legality, Ethics, and Policy new**ABOUT THE MERIT SITE:**

The **Medical Education Resource for Instructional Technology (MERIT)** was created by the Pathology Education Instructional Resource (PEIR) staff at the University of Alabama at Birmingham to provide medical educators with easy access to Web-based technology and education resources that will facilitate their teaching endeavors.

Use the **Search** options provided to search for topics of interest or browse the various categories, from digital imaging resources to assessment and evaluation.

We welcome you to submit resources to the **MERIT** site that you find beneficial in your own teaching and that you would like to share with other medical educators. Just click

Find this: Search ☒ the entire directory ☐ only this category

Home: Copyright , Fair Use, & Intellectual Property Rights

Subtopics:

[Copyright & Fair Use General Resources](#)

[Course Management Systems and Copyright](#)

[Distance Education, Digital Information, and the Internet](#)

[Fair Use Guidelines for Video](#)

[Intellectual Property Rights](#)

[Plagiarism](#)

[Social Media](#)

[University Copyright and Intellectual Property Policies](#)



Resources:

- [U.S. Copyright Office](#)
Official site of the U.S. Copyright Office with information on copyright law, registration, and record searches
(Added: Mon Feb 20 2006 Hits: 333 Rating: 0.00 Votes: 0) [Rate It](#) [Review It](#)
- [U.S. Patent and Trademark Office](#)

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Questions/Discussion



Contact me:

pga@uab.edu

<http://PEIR.net>



PEIR