

Southeastern Pennsylvania Theological Library Association

Supporting theological education in eastern Pennsylvania and central New Jersey

Happy World Book and Copyright Day!

Spring Meeting 2017
New Brunswick Theological Seminary

Welcome

Homework – highlights from

Virtually Yours: Online Embedded Librarianship in Higher Education

- All about **tools** and librarian collaboration with classroom faculty
 - Emphasis on goals and benefits, relationships and relevance
 - Skill sets, subject expertise, motivation for collaboration
- Librarians are responsive, individual, standardized, single transactions, service
- but embedded librarians are anticipative, collaborators, customized, ongoing projects, partnerships
 - ©? “as long as credit is given”

Embedded Librarians and the TEACH Act

- © and Fair Use are mentioned
- Not called the LIBRARIANS Act!
- Stresses argument librarians should be included as Teachers
 - Is face-to-face so different than virtual setting?
 - Legal status of the organization [Georgia State went after Administration]
- Course and Learning Management Systems are apart from Librarians / Teachers
- DMCA does require assigning someone as contact in case of © violation/dispute
 - TEACH largely benefits performances of literary, music and AV works

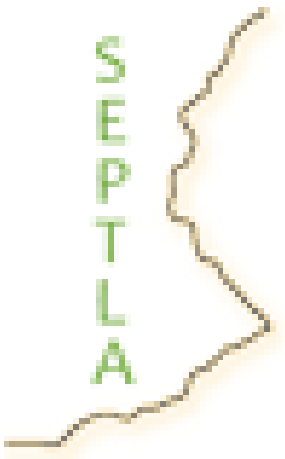
Importance of Copyright

- Educator issues
 - Photocopies, websites, distance learning, streaming videos
- Research interests
 - Publishing, repositories, storage
- Library and Research issues
 - Lending, ILL, Reserves, Access, preservation, archives and licensing
- Are you the author? (many faculty are!)
- Unpublished / published / archived (IR)
- Orphan works



Benefits of Copyright

- Rights to the Author
 - Reproduce,
 - Distribute,
 - Display,
 - Create derivative works
- **Moral rights,**
 - Transmission,
 - and DMCA provisions.
- Is your work considered 'Made for Hire'
 - Employee as scope of employment (Reference Manual)
 - Independent contractor
 - Signed in writing?



First Sale Doctrine - books

Author - reproduce, distribute, perform, display, and make derivative works = **exclusive** to the author.

The **owner** can sell, rent, lend and display.

You want to switch from Eres to Ares, D2L, Blackboard and the company asks, 'Do you own the content on Eres?'

You?

Own?

Computer software = literary work



Fair Use Exceptions to copyright law

PANE

P Purpose – education vs corporate

A Amount – ‘reasonable’

N Nature – fiction, unpublished, nonfiction

E Effect – impact on profitability

Remember – you only need permission if it
is NOT Fair Use



Purpose of copyright

Make copyright serve your purpose

- Classroom use
- Update format
- CHANGE!!
 - Latin America convening on copyright
 - Kuwait just adopted the Berne Convention
 - USA option to have President appoint the Register of Copyright
- Preservation – master copy, storage, use
- Transcopyright
 - Transfer from old medium into new
 - Translation
 - Transformative – serves a broader purpose, ADA compliance



Criticism

Parody

Sarcasm

Federal Register/ Vol. 82, No. 13 / Monday, January
23, 2017 / Notices

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2017–2]

Study on the Moral Rights of Attribution and
Integrity

AGENCY

U.S. Copyright Office, Library
of Congress.

ACTION

Notice of inquiry.

Comments extended to May 15, 2017

SEPT
LA



Moral Rights – art works to prevent distortion, mutilation, or modification of a work; and the right to prevent destruction of a work incorporated into a building.

Paternity right (aka Right of Attribution and Integrity right

Right of divulgation – Orphan works, right is exercised by the executors of the author's will

Mein Kampf, now in public domain; Diary of Anne Frank, is not.

Right of withdrawal, Right of association, Right to be forgotten, duration, waivers, etc.

<http://www.authorsalliance.org/2017/03/30/authors-alliance-submits-comments-on-moral-rights-to-the-u-s-copyright-office/>

<http://www.copyrightlaws.com/us/moral-rights-in-u-s-copyright-law>



I would

never

suspect

she was!



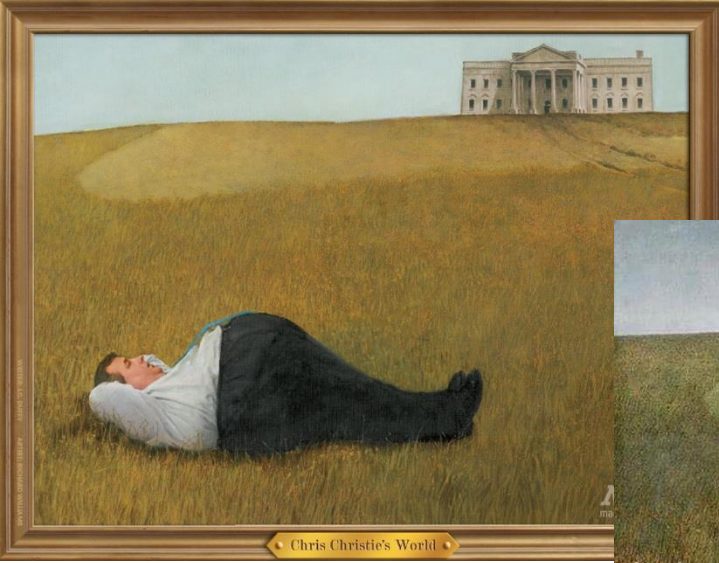


Shepard Fairey received two years' probation and \$25,000 fine plus 300 hours of community service. WHY?

Purpose
Amount
Nature
Effect

FAIR? UNFAIR?





Tim O'Brien (2017) derivative of
Andrew Wyeth's Christina's World (1948)



[Christina's World](#)



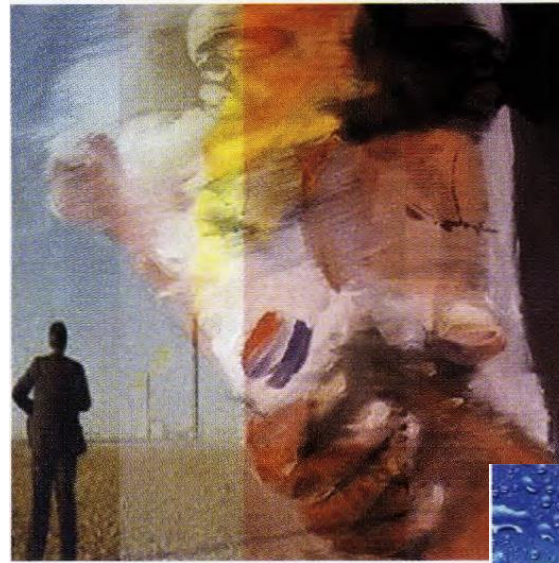
SEPT
LA

"I'd like credit for the Photoshop work, but these are not assignments. They're more like political cartoons mixed with graffiti," he said. "The intention is to provide a universal point of understanding of some complex feelings many have about what is going on. For my illustration works, which are assignments I'm paid for, I own the copyrights and expect attribution. I have at times asserted in threads that I have created an image when the person posting it is getting high fives for the creation. I'm gentle about it — I usually just write, 'Thanks for posting my image!'"

Transformative Use vs. Appropriation

Transformative use is an extra exception employed by social software applications. Disputes try to balance the productive nature with the economic impact.

Transformative use advances a goal of copyright toward the promotion of arts and sciences. Social software has met legal challenges and is being recognized for the ability to produce innovative content (Marques, 2007).



Joy Garnett, 2003

Garnett, Joy and Meiselas, Susan (2007) ON THE RIGHTS OF MOLOTOVMAN: Appropriation and the art of context HARPER'S MAGAZINE, p.56.

SUSAN MEISELAS: 7/16/1979 >>>





www.alamy.com - CX2W05

Charging Bull

cast by Bedi-Makky Art

Foundry in 1989, stands in Bowling Green Park near Wall Street. The bronze statue is 16 by 11 feet. The 3.5 ton. bull was the design of the sculptor Arturo Di Modica. Another 2.5 ton copy is in the Bund.





Condé Nast Portfolio / Article by Michael Lewis / Art Direction:
Grace Lee



fearless-girl-fb.jpg

Sculptor Kristen Visbal, Fearless Girl, staring down Charging Bull







<http://www.refinery29.com/2016/02/102296/unnecessary-nude-movie-scenes>

The Most Exploitative On-Screen Sex Scenes, Ever

[Lauren Le Vine](#)

Last Updated [December 16, 2016, 12:05 PM](#)

VidAngel buys DVDs, then decrypts, digitizes, organizes, filters and stores as an App for Roku, AppleTV, Chromecast among many others. Video sells for \$20. You won't see Melanie Griffith in her premier vacuuming naked in Working Girl.

The fact is, the video is actually streamed and sells it back minus \$1 per day. So the video was a public performance for viewing. Video-on-Demand, spontaneity based.

VidAngel claims Fair Use! Works are transformative, half of users surveyed like the fact their requests have filters.

ClearPlay, an alternative software for individuals, DMCA technology prevention measure approved for use under the Family Home Movie Act of 2005.

Stephanie Lenz vs Prince in Let's Go Crazy
<http://www.youtube.com/watch?v=N1KfJHFWlhQ>

- Universal sent YouTube a takedown notice.
- YouTube removed Lenz's video because of a copyright violation.
- YouTube sent Lenz an email, advised her of the DMCA's counter-notification procedures, warned her any repeated incidents could lead to the deletion of her account and all of her videos.
- Lenz sent YouTube a DMCA counter-notification.
- Lenz asserted her video constituted fair use of "Let's Go Crazy" and did not infringe copyright.
- YouTube re-posted the video.
- Fair use is a lawful use of a copyright.

DMCA



Court rejects Syrian refugee's case against Facebook - “neither a perpetrator or participant in the smears”.

A 19-year-old refugee from the Syrian capital, Damascus. September 2015, Anas Modamani took a selfie with Chancellor Merkel outside the refugee center in Berlin. Terrorist attack at Brussels Airport in March 2016, Modamani's resembled the suicide bombers behind the attack, Moroccan-born Najim Laachraoui, reposted on social media captions such as “Merkel selfie with Brussels terrorist.” When disproved and Modamani's identity was clarified, stories and rumors continued to circulate on Facebook. Most recently Modamani was among the group setting fire to a homeless man in the Berlin subway on December 25. The story was shared more than 500 times, despite the fact that all seven of the perpetrators behind the act were identified.

Sparked by appearance next to objectionable images, many companies on social media want to have better control over their unintended association or affiliations



There are an ever increasing number of services, apps and emerging technologies protected by copyright and useful for DE

Facebook, Twitter, Google+, Email, LinkedIn, Reddit, Tumblr, WordPress, Google, Gmail, WhatsApp, StumbleUpon, AIM, Amazon, Wish List, AOL, Mail App.net, Baidu, Balatarin, BibSonomy, Bitty, Browser, Blinklist, Blogger, Post, BlogMarks, Bookmarks.fr, Box.net, BuddyMarks, Buffer, Care2, News, CiteULike, Delicious, Design, Float, Diary.Ru, Diaspora, Digg, diHITT, Diigo, Douban, Draugiem, Dzone, Evernote, Facebook Messenger, Fark, Flipboard, Folkd, Google Bookmarks, Google Classroom, Hacker, News, Hatena, Instapaper, Jamespot, Kakao, Kik, Kindle, It, Known, Line, LiveJournal, Mail.Ru, Mendeley, Meneame, Mixi, MySpace, Netlog, Netvouz, NewsVine, Nujij, Odnoklassniki, Oknotizie, Outlook.com, Pinboard, Pinterest, Plurk, Pocket, PrintFriendly, Protopage, Bookmarks, Pusha, Qzone, Rediff, MyPage, Renren, Segnalo, Sina, Weibo, SiteJot, Skype, Slashdot, SMS, Stumpedia, Svejo, Symbaloo, Feeds, Telegram, Trello, Tuenti, Twiddla, TypePad, Post, Viadeo, Viber, VK, Wanelo, Webnews, WeChat, Wykop, XING, Yahoo, Bookmarks, Yahoo Mail, Yahoo Messenger, Yoolink, YouMob

File Extensions to the tune of Ave Maria

[composed in about 1825 by Franz Schubert \(1797-1828\)](#)

File Extensions – there are hundreds....<http://filext.com/alphalist.php?extstart=%5EA>

Ave - ArcView Avenue Script (ESRI)

Ma - Mathematica ASCII File (Wolfram Research, Inc.)

Ria – Alpharel Group IV Raster Graphics

Gra - Notes 5 Language Dictionary File (IBM);

STN Express Transcript Graphics File;

SigmaPlot Data File; Graph Chart (Microsoft);

Flight Simulator File (Microsoft);

OpenGL Object

Ti – Homeworld Tactical Icon (Sierra Entertainment);

Timber Compiler File (Timber Development Team);

Turing (Holt Software Associates);

NRC Inspection Manual Temporary Instruction

Ple - Messenger Plus! Encrypted Logfile (Patchou);

Phone2PC Sound File (Konexx)

Na – NoAdware Data File (NoAdware.net)

LIBRARY COPYRIGHT ALLIANCE INPUT ON REGISTER OF COPYRIGHTS

1. What are the knowledge, skills, and abilities you believe are the most important for the Register of Copyrights?

- Strong and deep general management experience preferably gained in managing a large organization;
- Expertise in managing the assessment, acquisition, deployment and application of complex information technology systems;
- A demonstrable, longstanding commitment to engaging equitably with stakeholders with diverse views on contentious issues;
- Exceptional communications and collaboration skills; and
- A Juris Doctor degree and copyright law expertise garnered, preferably, in multiple and diverse professional environments (e.g., academia, industry, non-profit organization and/or government).

2. What should be the top three priorities for the Register of Copyrights?

- Upgrade the information technology consistent with the overall strategy and systems of the Library of Congress.
- Improve efficiency of registration and ensure transparency and access to information about copyright holders in fulfillment of its primary mission.
- Promoting a copyright perspective on policy issues that reflects the diverse range of stakeholders.

- from <http://www.librarycopyrightalliance.org>

- ECL - <http://www.arl.org/search?searchword=ecl>

Copyright and the Disney risk factors – global economic conditions, exchange rates, public consumer tastes, technology, consumer patterns, production costs, distribution costs, intellectual property rights [convergence of computing, communication and entertainment devices, internet speed, bandwidth, inadequate or unenforced laws], storage of data, insurance, licenses, natural and malicious acts,...



Marvel Comics caught in unanticipated political rancor.

Also, recall the controversial cartoons of Muhammad, as they were first published in [*Jyllands-Posten*](#) in September 2005. The headline, "The face of Muhammad".



The numbers 212, 51, and QS 5:51 relate to protests against the Christian Governor of Jakarta, Basuki Tjahaja Purnama, currently running for reelection. <http://www.theverge.com/2017/4/9/15236400/marvel-ardian-syaf-x-men-gold-protests>

Ways to help faculty, students, and staff with questions related to copyright.

A. Resource Guide on Copyright and Intellectual Property:

<http://subjectguides.wcupa.edu/intellectualproperty>

B. Blog for announcements on copyright

https://wcupa.libapps.com/libguides/admin_c.php?g=61475&p=4162635

C. Model Copyright Guidelines:

http://www.wcupa.edu/_admin/provost/documents/CopyrightGuidelines.pdf

D. Student Research and Sponsored Programs Guide: <http://wcupa.edu/research/students.aspx>

E. Student IP Guide: <http://subjectguides.wcupa.edu/c.php?g=61475&p=395626>

F. Who to contact for copyright questions: NAME / PHONE / EMAIL

Thank you!

Questions?
Comments?

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