HUSV 3900: Social Policy
Emily Mann
Fair Use and Media Resources

Copyright

Copyright is a form of legal protection regulating the "copy" (reproduction or distribution) of original works, including literary, musical, and audiovisual creations. For anyone publishing material that involves the works of others, in podcasts or any format, copyright is important to understand. Common **misconceptions** include:

- 30-second rule**:** people often think that they will not violate copyright at all if they use an abbreviated version (30 seconds or less) of a song or audio recording. This is not strictly true. Excerpts or portions of copyrighted material, no matter how long, are still protected under copyright.
- Attribution: people often think that giving appropriate consideration to original content owners is enough to avoid copyright violations. Even though this a best practice, it is not strictly true.

While the use of copyrighted material for **commercial or for-profit podcasts** could result in a violation and possible legal conflict, there are several **exceptions for educational and non-profit** settings, especially for teachers, students, and librarians under **Fair Use**. Key concepts include:

1. Face-to-face teaching and transmission
2. Restricted transmission and reception to educational audiences
3. Methods of distribution of copyrighted work for distant learning scenarios, including online classes.

While there is no strict checklist for determining if something falls under **fair use**, the following four factors are important to consider if you are thinking about using material that is copyrighted.

1. **Purpose and Character:** fair use favors non-profit and educational settings, meaning that if this is an educational project that is for an assignment and *not* for commercial audience, it likely falls under fair use.
   a. For projects not created for an educational setting (for example, for commercial audiences), this is an important point of consideration.
2. **Nature of Work**: this is about the nature of the work you are looking to use. For example, factual material like news clips or statements on policy that have been already been published indicate that the original authors decided how to share their work already. The use of such materials as this is favored in determining fair use with this factor.
3. **Amount**: using limited amounts of copyrighted material is favored under fair use, and is one of the reasons that there is a misconception about the "30-second rule." That said, reading and commenting on excerpts of a copyrighted work should be kept to a minimum, so as to not present the work as your own.

4. **Market Effect**: fair use favors the republication of copyrighted material in more restricted, or smaller audiences, so as to reduce a negative market effect for the original owners. If something's distribution is restricted to an educational audience within a classroom, it is often considered fair use, including podcasts for assignments. If you want to publish your podcast, however, this might mean more consideration about how you are using any media you include, and you will need to make sure your publication is not commercial in any way.

If you want to be certain that the media you use for a podcast does not violate copyright, the best practice is to use only media that is in the **public domain** or is published under a **Creative Commons License.**

- **Public Domain:** material that belongs or is available to the public is *not* subject to copyright. Every year, more material enters the public domain as public domain status is largely determined by age. The current year for public domain is 1923.
- **Creative Commons Licenses**: Creative Commons is a non-profit organization that provides and regulates copyright licenses that allow for a) original creators to get the credit they deserve while b) allowing others to copy, remix, or use their content in ways they have allowed.

There are six types of **Creative Commons licenses** for media with different models of use, attribution, and distribution. When searching for media with a creative commons license, it is important to pay attention to which license it has. The databases and websites listed below make this step easy with either specific search functions to sort for certain licenses or have larger quantities of media clearly marking license types. If you come across a work that you wish to use for a podcast, it is important to always check the type of license it has been published under.. This describes the extent to which you can alter, distribute, or use the material. The key concepts are:

- **Attribution**: specifies that re-publishers must attribute who the work belongs to.
- **ShareAlike:** allows for the remix and tweaking of material.
- **NonCommercial:** limits republication to non-commercial or not-for-profit uses.
- **NoDerivs:** allows only for unadapted forms of republication.

The licenses have a combination of these concepts, but each one gives specific guidelines for **attribution to the content owners** and specific rules for use. For different forms of publication, attribution can occur in written and verbal form. For example, it is best practice to give attribution for any media in a podcast both in the podcast description and verbally in the podcast itself. As long as you follow the specific parameters of a Creative Commons license, you can use media without worrying about copyright violations.

Creative Commons has a wonderful (and growing) database of materials that you can use and also has information about the six types of creative commons licenses: https://creativecommons.org/.

Resources for finding creative commons and public domain media:

Northeastern University
NULab for Texts, Maps, and Networks

- Internet Archive Audio library: https://archive.org/details/audio
- Partners in Rhyme: https://www.partnersinrhyme.com/pir/PIRsfx.shtml
- The Public Domain Review: https://publicdomainreview.org/collections/
- Musopen: https://musopen.org/
- CC Mixter: http://ccmixter.org/
- Creative Commons Collections: https://search.creativecommons.org/collections
- Music by Kevin McLeod: https://incompetech.com/

For more information:
- Copyright and Primary Sources:
  http://www.loc.gov/teachers/usingprimarysources/copyright.html
- Fair use guidelines:
  https://www.lib.purdue.edu/uco/CopyrightBasics/fair_use.html#fourth
- Harvard LibGuide for Public Domain and Creative Commons:
  https://guides.library.harvard.edu/Finding_Images/finding_audio