



HUSV 3900: Social Policy
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Fair Use and Media Resources

Copyright

Copyright is a form of legal protection regulating the “copy” (reproduction or distribution) of original works of authorship, including literary, musical, and audiovisual creations. For people creating for-profit podcasts, copyright can be an important legal concept 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. Unfortunately, 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 if you give appropriate consideration to original content owners that it is not enough. Even if 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 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 publication or storage of work using copyrighted material

While there is no strict checklist or guide to 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, if this is an educational project that is for an assignment and *not* for commercial audience, it likely falls under fair use.
 - a. While your projects are being created in an educational setting, these would more likely fall under “commercial audiences.”
2. **Nature of Work:** this is about the nature of the work you are looking to use. The use of factual material like news clips or policy that has been published often falls is favored under fair use as the original authors decided how to share their work already.
3. **Amount:** using less of copyrighted material as fair use is favored and is one of the reasons that there is a misconception about the “30-second rule.” Reading and commenting on excerpts of a copyrighted work should be kept minimal as to not present the work as your own.
4. **Market Effect:** fair use favors the use of copyrighted material in more restricted, or smaller audience, as to reduce a negative market effect for the original owners. In the classroom, if

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Questions? Contact us!

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something is used and distribution is restricted to an educational audience, it is often fair use, including podcasts for assignments. If you want to publish your podcast, however, this might mean more consideration about how you are using media, making sure it is not commercial in any way.

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

- **Public Domain:** material that is belonging or available to the public and *not* subject to copyright. Every year, more material enters the public domain as it is largely determined by age. The current year for public domain is 1923.
- **Creative Commons Licenses:** Creative Commons is a non-profit that works to build an accessible and global commons of knowledge and culture. They are dedicated to access and building on creative and academic work.

There are six types of **Creative Commons licenses** for media that ensure proper distribution, but allow for the use and copy of media. When you are searching the databases and websites listed below and Creative Commons itself, media will be marked with what license it has. Some websites even allow you to modify your search based on what type of license you are looking for. If you come across a work that you wish to use for a podcast that is under one of these licenses, the type of license describes the extent to which you can either alter, distribute, or use the material. The key concepts are:

- **Attribution:** must attribute who the who belongs to.
- **ShareAlike:** allow for the remix and tweaking of material.
- **NonCommercial:** limits use to non-commercial or for profit use.
- **NoDerivs:** limits use to only in an unadapted form.

The licenses have a combination of these concepts, but each one will tell you how to give **attribution** (either or sometimes in both a description and verbally) and the specific rules for use. As long as you follow the specific parameters of a Creative Commons license, you can freely 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:

- 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 Mixer: <http://ccmixter.org/>

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- 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

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