## Ethical and Legal Considerations for Using Content You Didn't Create

A Heuristic for Evaluating Media (Images, Sounds, Videos) and Determining and Justifying Using Them in Your Projects

## Blugold Seminar in Critical Reading and Writing

Grounding students in the reading, writing, and rhetorical demands necessary for success in college and beyond

You're considering using a piece of media (an image, sound, or video). **ROYALTY-FREE: CREATIVE COMMONS:** FAIR USE: PUBLIC DOMAIN: You need to determine if you are legally and The public domain is any content that is not copyrighted Royalty-free content is Creative Commons is a Fair use is a set of legal ethically justified in using and is free to use or reuse in any manner. Government copyrighted content that license that owners give guidelines that guide the this content. documents and material whose copyright has expired fall is free to use as long as their content to make legal reuse of intellectual under this category. you don't make money it free to reuse under property. off of it. certain guidelines. Will I use it in a project Was the Was the content You are most Is the content Can you justify Your safest bet is to that only my teacher and content created No published before likely dealing with licensed "Creative using it under "Fair not use the content. 1923? copyrighted material. Commons"? classmates will see (that is, by a government Use"? it's not being posted online)? organization or Is the material part of agency? Yes Yes a royalty-free catalog Yes Yes (like Microsoft's Yes You are free to use this There are some instances where you can use this content clipart)? You are free to use this content as long as you abide Then the content is in the based on Fair Use laws, which are pretty complex and judged on a by the license of the content. both legally and ethically as Then the content is in the public domain and is free to case-by-case instance. Ask yourself: Yes long as you give attribution public domain and is free to use and reuse. to the copyright owner. This Generally, Creative Commons 1. Are you using it in a *transformative* way? This means changing use and reuse. licenses include the following the purpose and character of the content. Examples would is part of fair use: You can Copyright law in the US has a Then the content is free to use copyrighted material in information: include providing criticism, parodying the content, or providing variety of rules for expiration, use as long as you attribute Content created by projects for education. The but the simplest one is that if the source and do not 1) attribution: you should commentary (such as news). government agencies (like law is fuzzier when it comes Supreme Court opinions, it was published before 1923, attempt to make money off attribute the creator to publishing others' content it is now part of the public of it. 2) share-alike: you should 2. What is the *nature of the wor*k you are using? If it is more laws, DNR licensing factual in nature than "creative," you are more likely to be able to to the web, because that agree to use the same license information) are not domain. publication could affect the on your work use it. (If it is unpublished, you are less likely to be able to use it, copyrighted. copyrighted work's value. 3) no-derivatives: you agree as courts might see this as a violation of privacy.) to not alter the original 4) non-commercial: you 3. How much are you using? The less, the better. For example, agree to not make money off using a whole music video would probably violate copyright, but In the United States, all creative content is automatically copyrighted. This includes anything published or non-published, the original using 20-30 seconds for critique probably falls under fair use. like a picture of your pet, the drawing you did in Kindergarten, your papers for this class, films, newspaper stories, music, menus at restaurants, and more. Copyright protects expressions, not mere facts or ideas. 4. Will you harm the content's *value in the market*? If you are See http:// making money, making the content available for free, or harming Copyright is designed to protect intellectual property so that the owner can benefit from this work. This protects the owner's someone's brand, you are probably not free to use it under Free right to make copies, sell copies, make derivative works, and sell rights to perform the piece in public. creativecommons.org/ Use. (Parody is often an exception to this clause.) More info: http://fairuse.stanford.edu/Copyright and Fair Use Overview/index.html licenses/