Copyright, education, and the fair use of digital media

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This assignment asks you to use digital images and audio to form a digital narrative to engage your audience, and we will post these imovies on ITunesU to make them publicly available via the world wide web. This is good because it will allow your creative work to be seen by more people, but it will require careful attention to copyright since you will be using images that you do not own. Here we encounter copyright law, which protects the rights of people who own digital images, and the legal provisions for use of material under fair use guidelines for educational purposes. Just because an image is on the web does not mean it is free to use, nor that you have permission to use it. Because SCU is in high tech Silicon Valley, we are very conscious of the legal implications of the actions of its faculty and students posting the creative work of others on its authorized webpages (like the public portal of ITunesU). This document has two parts. The first provides an overview of strategies for working within copyright law. The midterm will include elements from the text in this section (but not the hyperlinks). The second provides a list of links to access digital media within this strategy.

Keep track of all URLs from which you draw photos in a table copied and pasted from the one below, and indicate that you have evaluated each picture to ensure your use of it conforms to copyright law. By indicating its status in the right hand column and emailing this to me with your script, you communicate to me and the university that your use of it conforms to fair use guidelines, to the best of your ability to determine. You must include the following text and box at the end of the movie:

The images used in this video were selected from images believed to be in the public domain or available for educational purposes according to fair use guidelines under US copyright law. If this is in error, please contact Br. Keith Warner OFM.

Number	Brief (keyword) description	Name of organization; or owner and aggregator (e.g., Joe Blow on Flickr)	URL	Is this public domain? Or creative commons?

Note: if you do not give credit for pictures and music at the end of your movie, I will delete your imovie from ITunesU, and your score will be deducted by 4 points = 20% = one full grade level.

I. Working within the fair use provisions of copyright law
For our purposes, the first distinction is between commercial and fair use for educational purposes. Since this is an educational project, in which there is no economic transaction between

you the movie creators and the audience viewing your project through ITunesU, the intent of this project should place it under the fair use provisions of copyright law.

The creators of digital images can decide, when they post an image on the internet, the conditions of use by others under the fair use provision. For our purposes, there are three "bins" to consider.

I. Public domain. This refers to material work that is not owned by any one. This material may be used freely without attribution. Selecting images -- and providing attribution to their source -- that are identified as public domain guarantees that you are complying with copyright law, but only a fraction of images on the internet are public domain. Here is a bit more on this: http://en.wikipedia.org/wiki/Public_domain

II. Creative commons. When creators of digital images license their images into creative commons, the images are free to use so long as their use falls under fair use, and certain provisions are met. One consistent provision: attribution is required.
   a. Here is a simple explanation of creative commons (you can click on the legal definition at the top) http://creativecommons.org/licenses/by/3.0/
   b. Here is how Flickr explains this category and the different issues that emerge depending upon specific use, which I find helpful http://www.flickr.com/creativecommons/
   c. Here is how they define, in non-legalese, three key terms in creative commons:
      i. **Attribution** means: You let others copy, distribute, display, and perform your copyrighted work - and derivative works based upon it - but only if they give you credit.
      ii. **Noncommercial** means: You let others copy, distribute, display, and perform your work - and derivative works based upon it - but for noncommercial purposes only.
      iii. **No Derivative Works** means:You let others copy, distribute, display, and perform only verbatim copies of your work, not derivative works based upon it. [In other words, no photoshopping the image]
   d. Note the options at the bottom of Flickr's advanced search http://www.flickr.com/search/advanced/?q=climate%20justice See how you can search only for photos (not video) and only within creative commons licensed content.
   e. Here is a nice SCU portal to use of images for educational purposes http://libguides.scu.edu/content.php?pid=278076&sid=2290866 but note that this was created for students and faculty to use these internally to campus, not posting these images on ITunesU. Note where SCU-subscribed databases are provided. These are not going to be allowing fair use for posting on the internet. Therefore, stick to the lower box of each of these pages, where open access webpages are found. http://libguides.scu.edu/content.php?pid=278076&sid=2308194
   f. Here is one example of a webpage that might appear to offer all free images http://freerangestock.com/index.php but in fact a search for climate justice http://freerangestock.com/search.php?search=climate+justice&match_type=any makes it clear that there are different kinds of materials in here. Note that royalty-free does NOT mean free to use!

III. Commercial use. Most high quality images on the internet are commodities for commercial use. This requires attribution AND payment AND expressed permission. Note that there are at least two forms of payment.
   a. Royalties. This means you have to pay each and every time a photo is used.

b. License. This means you pay once for the image.

The following are descriptive statements, relevant to this assignment.
1. Attribution is required for all use of digital media that you do not own.
2. Public domain images still require attribution.
3. Generally speaking, there are more creative commons images than public domain images available.
4. Restricting your searches to "public domain" and "creative commons" criteria, plus providing clear attribution, will generally satisfy the intent of the fair use provisions of copyright law.
5. Creative commons and commercially licensed images may be on the same aggregator website; therefore, you must double check each image to ensure that it specifically is in the creative commons.
6. "Royalty-free" does NOT mean mean free to use with attribution!

II. A few helpful links to digital media for this assignment.

Free-to-use photos from 350.org (founder Bill McKibben). Links to regional photo sets: Africa, SE Asia, etc. http://www.350.org/en/media/photos

Wikimedia commons has lots of good images in creative commons
http://commons.wikimedia.org/wiki/Main_Page

CRS photos of drought and floods
http://newswire.crs.org/category/photos-2/

U.N. Photo Gallery. Search desertification, flooding, climate (Use Guidelines: http://www.unmultimedia.org/photo/guidelines.jsp)
http://www.unmultimedia.org/photo/gallery.jsp?query=subject%3A%22Desertification%22

U.S. Govt Photos & Images
http://www.usa.gov/Topics/Graphics.shtml

NOAA Climate Services: Images
http://www.climatewatch.noaa.gov/Images
Site doesn't have info on photo crediting. If image is from a govt agency and you want it for educational, non-profit one-time use, simply giving credit is generally ok.

US Geological Survey Photo Gallery
http://gallery.usgs.gov/collections.asp
Usually gives details re: crediting.

California Dept of Water Resources Photo Library
http://www.water.ca.gov/newsroom/photo/photolibrary.cfm