

OWNING THE PAST

DAVID COHEN'S GUIDE TO WHAT MAY OR MAY NOT GET YOU SUED

Benji, Josh, Kristen, and/or Rebecca

Fair Use?

- Fair use is included in Section 107 of the 1976 Copyright Act
- It contains a list of the various purposes for which the reproduction of a particular work may be considered fair,
 - Criticism, comment, news reporting, teaching, scholarship, and research.
- Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair.

Fair Use (cont.)?

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for, or value of, the copyrighted work

Surprise Game/Test





IS THAT PROTECTED
UNDER FAIR USE?

Case #1

- You are the Assistant Director of the Maryland Institute for Technology in the Humanities
- You prepare an academic presentation about Copyright for a group of sophomores
- You include the following YouTube video in your presentation:

http://www.youtube.com/watch?v=HyophYBP_w4

Case #1

- Is this usage protected by Section 107?
- Let's check:
 1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes 
 2. The nature of the copyrighted work 
 3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole 
 4. The effect of the use upon the potential market for, or value of, the copyrighted work 

Case #2

- You are having a sick ass party at your parents house while they are out of town
- You charge guests \$15 at the door for entry, YOLO
- You paste the following flyers all around your neighborhood, including outside of a “Pictures of Celebrities” Gallery

Case #2 Appendix

Sick Azz House Party







Where: My Parents House

When: TONIGHT! 7-11pm

Why: Why not? YOLO

\$15 Entrance Fee

Case #2

- Is this usage protected by Section 107?
- Let's check:
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Case #Three

- You are a naïve freshman at a large research university
- Due to a faulty chip in a mischievous IBM computer, you have been assigned to a graduate level seminar on copyright ethics
- If you drop out of the class, you will fail out of college and die alone
- During a presentation, you find a relevant article on JSTOR and disseminate it to the class

Case #3

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 3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
 4. The effect of the use upon the potential market for, or value of, the copyrighted work

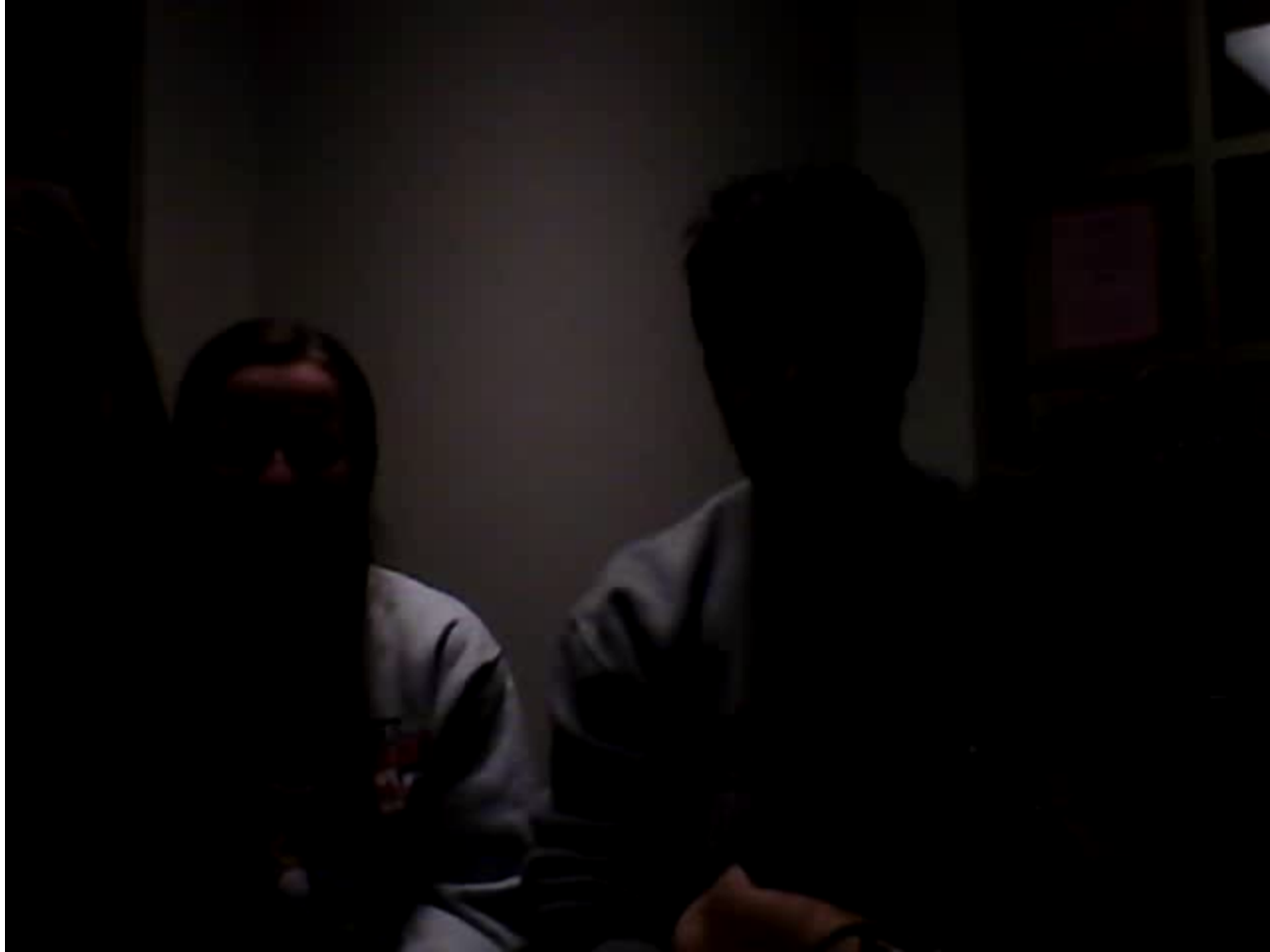
Case #Three

- What if you include the title and copyright pages?
- What if you hand it out to people on the street?
- What if the students in your class make copies and sell them on easybid.com?
- What if you use only a portion of the article? The whole thing?

Case #4

- Your name is Benjy/Josh/Kristen/and/or/Rebecca
- You ~~think you~~ are the next Justin Bieber
- You record a video of yourself singing “Baby,” to a Karaoke version of the song you find on Craig’s List
- You upload it to YouTube and get 666,666,669 (or so) hits
- With adshare, you become the world’s 241st richest person

Case #4



Case #4

- Is this usage protected by Section 107?
- Let's check:
 1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
 2. The nature of the copyrighted work
 3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
 4. The effect of the use upon the potential market for, or value of, the copyrighted work

Any Questions?

- Please hold all questions till the end.
- Which is now.

Works Cited