

LibraryLinkNJ

Webinar Transcript: *Still Confused? A Conversation About Copyright, Fair Use and Remix Culture*

Presenters: Renee Hobbs & Joyce Valenza

April 6, 2011

Renee Hobbs: (4/6/2011 15:10) I am a big fan of Flickr Storm- it's my favorite image search engine

Barbara Herbert: (15:12) it's my understanding that Disney does not recognize fair use

Renee Hobbs: (15:12) Disney recognizes fair use

Sophie Brookover: (15:12) Doesn't Fair Use apply to everyone, though? When applied properly?

Catherine Pontoriero: (15:13) Disney is quick with the DMCA notices...

Linda Dennis: (15:14) it seems as though the best pictures (images) are copyrighted.

lynee: (15:15) much is protected for initial spontaneous use, then they want you to seek permissions - right?

Joyce Valenza: (15:15) linda, it depends

Emily Skrezec: (15:15) I remember working in publishing in the marketing department where we dealt with copy laws all the time.

Debbie Natoli: (15:17) where is the best place to keep track of fair use rulings?

Joyce Valenza: (15:17) Debbie, we are going to share links!

Trevor A. Dawes: (15:18) see also <http://bit.ly/frlHD4> (Stanford University) for summary of Fair Use cases

Anile Martinez: (15:20) Must there be attribution? In a particular format?

Renee Hobbs: (15:20) Attribution is not a legal requirement of fair use or copyright

Joyce Valenza: (15:21) but it's nice

John Walz: (15:21) Once again I can hear multiple soundtracks

Renee Hobbs: (15:21) attribution is genre-specific: we cite sources in academic writing but not in poetry

Renee Hobbs: (15:23) if you like this video, use your status button to offer your response

lynee: (15:23) but ignoring attribution opens you up to accusations of plagiarism

Renee Hobbs: (15:23) good point!

Martha Hickson: (15:23) Gret video! I'll use it in a lesson next week. Thanks!

Sharon Yang: (15:23) I like it a great deal

Leanne Kubicz: (15:24) Cute video

Linda Dennis: (15:24) I agree - great video to share with students!

Cynthia Hedin 2: (15:24) very catchy

Leigh Woznick: (15:24) wonderful! the problem is it's too high-level thinking for my students. they want black and white answer

Janice Utsch: (15:24) Repurpose...add value!

Martha Hickson: (15:24) Transform, repurpose

Clarice Johnson: (15:25) harm to holder < benefits to social

Sharon Yang: (15:25) Could you summarize transformative again? repurpose and add value?

Bruce Slutsky: (15:25) If the kids like the music, it will have a positive effect on them

Clarice Johnson: (15:27) Case 1: fair use, transformative,

lynee: (15:28) Case 1 yes because it was in the classroom

joanne friedman: (15:28) Credit the photographer, if possible

Elizabeth Quinn: (15:28) yes?

lynee: (15:28) Safe harbor standards

Leanne Kubicz: (15:29) It is a class assignment, no profit motive, therefore fair use

Sophie Brookover: (15:29) Case 1: yes: used in the classroom and value added (discussion of political beliefs)

Janice Utsch: (15:29) transformative

Clarice Johnson: (15:29) Uses the topic of John Lennon and adds it to a larger topic of musicians' political beliefs i.e. transformative

Leigh Woznick: (15:29) it depends. what was purpose of original photographer? is this the entire photograph? is this a photo that is still for sale by photographer?

Jacqui DaCosta: (15:29) Class assignment but credit original

Sophie Brookover: (15:29) I'm not seeing transformation, here -- can people explain that?

Barbara Episale: (15:29) yes because it added value to the discussion of political beliefs

Frances Maye: (15:29) Case 1 is fair use because it was used to compare and contrast

Martha Hickson: (15:29) Purpose of the use was educational for students; minimal/no effect on potential market

Barbara Herbert: (15:29) case 1 is showing the musician's involvement with politics in context of the times.

Lisa Gillard: (15:29) No. A professional photographer took that image and has a right to profit from the use.

Lisa Gillard: (15:30) If it was a news photograph, it is owned by the newspaper.

Leigh Woznick: (15:30) it says someone -- not necessarily teacher?

Angela Harris-Scriven: (15:30) credit the photographer, for educational purposes

zana etter: (15:30) don't illustrators hold the copyright (i.e. photographer?)

Barbara Horn: (15:30) It's fair use because it's educational, the use is limited, and it has a larger social purpose.

Lisa Gillard: (15:30) Really?

John Walz: (15:31) I'm curious -- where did the idea of transformative use come from? The word doesn't seem to be in Section 107 of the law itself.

Lisa Gillard: (15:31) The New York Times, respectfully, would disagree.

Leigh Woznick: (15:31) purpose and amount

lynee: (15:31) photos are interesting, though, because they are not 'portions' they are whole works...

lynee: (15:31) no - not if it is for sale. market effect

Elizabeth Quinn: (15:32) are they selling the magazine?

Leigh Woznick: (15:32) again -- what was purpose of original photo, do they charge for the literary magazine?

Stephanie Singer: (15:32) if it's for sale, then no

Connie Swanzer: (15:32) Did they sell the magazine?

Sharon Yang: (15:32) not fair use
Sophie Brookover: (15:32) no transformation!
Sophie Brookover: (15:32) repurpose? iffy.
Leigh Woznick: (15:32) is photo changed at all?
Leanne Kubicz: (15:32) Ask permission, textbook is a product, will generate revenue
Joan Mruk: (15:32) using a celeb to promote your publication without their permission?
Barbara Episale: (15:32) no what is the purpose
Martha Hickson: (15:32) Unclear: What's the purpose of using the image on the mag? How does that differ (transform) from the original purpose/context?
zana etter: (15:32) how is magazine distributed? how widely? who owns?
Bruce Slutsky: (15:32) But would the estate of John Lennon have to file a complaint?
Grace Bulaong: (15:32) was it used exactly as it appears here or was it "transformed" artistically?
Leigh Woznick: (15:32) what is purpose using in literary magazine?
Clarice Johnson: (15:32) If focal point of the cover, it hasn't repurposed
Leanne Kubicz: (15:33) Does it matter is celeb is dead?
Leigh Woznick: (15:33) why was photo used?
John Mullens: (15:33) want to know what else is on the cover
Don: (15:33) maybe if there was an article about John Lennon
Carolyn Senyk: (15:33) Not part of class unit of instruction
Irene Vershinin: (15:33) What is the purpose of the magazine, lacks attribution
Leigh Woznick: (15:33) has nothing to do with SUBJECT of photo; it's the copyright owner
Barbara Horn: (15:33) The use seems arbitrary.
Leigh Woznick: (15:33) not even the photographer, actually -- but whoever owns the copyright
Anile Martinez: (15:33) Use is for promotion. Not adding social value
lynee: (15:33) doesn't fair use only apply to materials within a classroom? is this magazine going to be put on the web as a pdf and free to the general public?
John Mullens: (15:33) What is the theme of the issue?
Clarice Johnson: (15:33) Agree with Anile
Leigh Woznick: (15:34) but doesn't user have a bias?
Sophie Brookover: (15:34) I agree, too -- no social value.
lynee: (15:36) no
lynee: (15:36) not fair use if it's up in the web for free
Barbara Herbert: (15:36) I would avoid Disney at all costs!
Elizabeth Quinn: (15:36) repurpose not for profit
Sharon Yang: (15:36) I don't know
lynee: (15:36) not a classroom activity
Clarice Johnson: (15:36) Fair use: repurpose, no harm to holder
Bruce Slutsky: (15:37) The person is actually giving the Little Mermaid advertisement
Leanne Kubicz: (15:37) it's a blog, you're not making money off of it (generally) the image is to illustrate context of blog
Deb Goetjen: (15:37) no social benefit

Frances Maye: (15:37) It could be used when she talks about how she loved this movie and the memories from it.

Grace Bulaong: (15:37) fair use

Jacqui DaCosta: (15:37) No commercial value

Maryrose Little: (15:37) agree w/clarice

Martine Honigsberg: (15:37) Public forum, no public value

Stephanie Singer: (15:37) does the blog have advertisers?

Barbara Herbert: (15:37) Disney took a day care center to court for having pictures of Disney characters on the wall.

Sophie Brookover: (15:37) it's murky, but like Elizabeth said, it's repurposed, no harm to market value of original, and it is somewhat transformative -- readers are thinking of the author's ideas, not the film.

Anile Martinez: (15:37) Would that depend if the Mermaid impacted on the memories?

Patricia Haslam: (15:37) The person is not gaining any income from using this image, It is just being used on her private blog.

Sharon Yang: (15:37) Confused

Martha Hickson: (15:37) Blogs are the printing presses of the masses, so this use could be considered comparable to a news report. Potentially Fair Us.

Irene Vershinin: (15:37) depends what the purpose of the blog is

lynee: (15:38) that's surprisng.. thought market effect was a harbor

Leigh Woznick: (15:38) matters less whether the new user makes money or not, but whether there is an effect on the copyright holder's money-making

Patricia Haslam: (15:38) Well, if it is just for personal use...

lynee: (15:38) thats what i though leigh

Barbara Horn: (15:39) The team in my office has some disagreement on this one. I don't agree with this use because it appears in a public forum, but my colleagues consider it personal.

lynee: (15:39) if i put it up on the web for free, someone could get it from my blog instead of paying disney

Leigh Woznick: (15:39) the web may be personally created, but it IS public

Anile Martinez: (15:39) Would that mean that if the blog adds value it would be okay?

Patricia Haslam: (15:39) True, lynee

Clarice Johnson: (15:39) Qu: Does "harm" have to be financial or could it be image?

Leigh Woznick: (15:39) ooh, disney wouldn't like it, but it's definitely transformative and repurposing!

Leigh Woznick: (15:39) p.s. I AM A TOTAL GLEEK TOO

Frances Maye: (15:40) This puts a negtive light on the character.

Leanne Kubicz: (15:40) If detributed for free, fair use, if sold, no

lynee: (15:40) depends on which image is used

Sharon Yang: (15:40) Confused

Leigh Woznick: (15:40) is the entire image used? is it changed in any way?

Sharon Yang: (15:40) transformative

Catherine Pontoriero: (15:40) Is it a picture or an artist's drawing?

Martha Hickson: (15:40) Transformative, but sexual context may adversely affect original copyright holder.

Barbara Herbert: (15:40) I think disney would definitely have a problem with case 2....

lynee: (15:40) need more info on the image before i can vote

Anile Martinez: (15:40) Disney is family oriented. It detracts from the value.

Sophie Brookover: (15:40) I would say that is definitely transformative. Ahem.

lynee: (15:41) but is it whole or part of a larger work?

Stephanie Singer: (15:41) I think sexual adventures would be hurtful to the Ariel brand.

lynee: (15:41) propotionality rule

Martine Honigsberg: (15:41) Owner controls use of their material and this may not be a use that they would prefer.

Carol Levin: (15:41) adding sexual content could conceivably damage the reputation of the original character?

Sharon Yang: (15:41) Get more and more confused

Elizabeth Quinn: (15:41) fan fiction not for profit

Barbara Horn: (15:41) This use damages the commercial image of the character.

Linda Dennis: (15:41) negative connotation of Disney's original intention of character

Janice Utsch: (15:41) I think Disney would protest, but still believe that this is fair use

joanne friedman: (15:41) clueless

zana etter: (15:41) it creates new ideas from a previous character and transforms the character to provide new information

lynee: (15:42) the story would be fair use, but the image? not enough info on the image

Leigh Woznick: (15:42) difference between a stand-alone image (created for example as an ad for the movie) and a still from the movie (which is only a fraction of the original whole...

Patricia Haslam: (15:42) Depending on the type of fan fiction, certain photos could be used in a detrimental way that could possibly defamate the people in the photo.

Connie Swanzer: (15:42) What is the social value as opposed to potential harm?

Leigh Woznick: (15:42) would it be considered slander (can that exist for a fictional character?)

lynee: (15:42) right leigh. i think still from movie would be fair use

elizabeth thompson: (15:42) Fan fiction in general is a touchy issue, though, isn't it? Authors and publishers generally seem not to like it at ALL.

Leanne Kubicz: (15:42) We are giving Disney too much power, that's why

Elizabeth Quinn: (15:42) bullying

Martha Hickson: (15:43) It's not critical thinking, and doesn't take context or purpose into account.

Catherine Pontoriero: (15:43) Agree, leanne.

Sophie Brookover: (15:43) Thinking that way prevents the creation of new markets -- by prevent transformation for taking place.

Barbara Herbert: (15:43) But Disney has lots of money and can keep a case in court indefinitely. We don't have the money or legal resources to fight them. It's simply easier to avoid them.

Leanne Kubicz: (15:43) They have to follow copyright rules like every other corp

joanne friedman: (15:43) strikes fear w/o knowledge

lynee: (15:43) right, barbara. they do have the deep pockets!

Anile Martinez: (15:43) I think that I am lost on the value added term. Could you explain?

lynee: (15:43) but not the image of red head ariel...

Sophie Brookover: (15:43) But then they transformed her story into a happy one!

lynee: (15:44) the original hans image is now in public domain

Sharon Yang: (15:44) it is beyond 70 years after the author's death

Leigh Woznick: (15:44) parents also will complain if their children are looking for little mermaid and finding this sex story site

Lisa Gillard: (15:44) Kevin, typing under Lisa's name: is stealing someone's work "bullying"?

Sharon Yang: (15:44) Little Mermaid is in the public domain

Martha Hickson: (15:44) Some might argue that Disney's version of LM is sexualized compared to the original fairy tale.

Sophie Brookover: (15:44) But Leigh, someone looking for The Little Mermaid is far more likely to find this film or an image of the statue in Copenhagen well before finding any fanfiction.

Leigh Woznick: (15:44) so true Martha

Linda Dennis: (15:45) If I used something in a questionable manner, I would seek permission first.

Clarice Johnson: (15:45) Is "harm" limited to financial?

Leigh Woznick: (15:45) and Sophie -- I'm not saying it's not legal, just saying that religious groups (with power and money behind them) will bring cases to court, even if they may lose on legal grounds

Anile Martinez: (15:45) Could you please explain added value?

Catherine Pontoriero: (15:45) The OTW discusses fanfiction as transformative works: <http://transformativeworks.org/>

sherry glass: (15:46) I don't have a problem with the work, just the image

Sophie Brookover: (15:46) I love this slide so much.

joanne friedman: (15:46) can anyone write a satire or parody of an original?

Sophie Brookover: (15:46) It's fair use ABOUT fair use!

Leigh Woznick: (15:46) :-)

Sophie Brookover: (15:46) Roy Lichtenstein would approve.

Christina Roest: (15:47) Me too, Sophie.

Jessica Adler: (15:47) :D

Joyce Valenza: (15:47) jon stewart does it everyday

lynee: (15:47) really?

Leigh Woznick: (15:48) interesting...

lynee: (15:48) who pays the damages then if you infringe?

Leanne Kubicz: (15:48) that is so interesting! Thanks for the heads up

Sophie Brookover: (15:51) That is great about college/university librarians! MS/HS librarians should partner up with our college/uni colleagues!

Leigh Woznick: (15:52) just playing devil's advocate: then why do we need creativecommons?

Maureen Newman: (15:52) I have a question: If an image is used under fair use, should the image still be attributed to the creator? I would think so, but I don't see that happen very often.

lynee: (15:52) Do faculty need to seek permissions if they use Copyrighted material more than one semester?

Sophie Brookover: (15:53) That last video is fantastic, all -- start it at 0:46!

Leigh Woznick: (15:55) GO RENEE

Sophie Brookover: (15:55) Power to the people!
Leigh Woznick: (15:55) woot woot!
Sophie Brookover: (15:57) <http://copyrightconfusion.wikispaces.com!>
Jessica Adler: (15:59) Thanks to the two of you!
lynee: (15:59) Thank you so much
Sophie Brookover: (16:00) Thank you both!!
Leigh Woznick: (16:00) thanks all!
Sharon Yang: (16:00) can I see the slide about the book?
Heather (hhersey03): (16:00) Thank you!
lynee: (16:00) Thanks to infolink too for offering
Patricia Haslam: (16:00) Thank you, excellent webinar
Clarice Johnson: (16:00) Time well spent! Thanks!
Lindita Cani: (16:00) Thank you!
Maureen Newman: (16:00) thanks, this was awesome!
Connie Swanzer: (16:00) Thank you all.
Anile Martinez: (16:00) Thanks to all. this was so enlightening.
Linda Dennis: (16:00) Thanks so much to all of you!
zana etter: (16:00) thank! great presentation!
Catherine Pontoriero: (16:00) Thank you!
Jacqui DaCosta: (16:00) Thank you - very informative and transformative
Joan Mruk: (16:00) thank you!
Carol Levin: (16:00) thanks!
Angela Harris-Scriven: (16:00) Thank you!
Irene Vershinin: (16:01) Thank you, very informative!
Shirley Knight: (16:01) Great webinar-Shirley
Joyce Valenza: (16:01) you are most welcome all!
Christina Roest: (16:01) Thanks!
Trevor A. Dawes: (16:01) indeed. Thanks all!
Barbara Episale: (16:01) great webinar. Alot of good information
Fran King: (16:02) Thanks for a great workshop.