Copyright Literacy in a Cross-Border Environment: a workshop to build Copyright Literacy in European libraries

Chris Morrison
University of Kent

Jane Secker
City, University of London

@UKCopyrightLit
“Confused, cautious, faintly nauseous!”

“Frustrated, confused. Can I risk it? Can my organisation risk it?”

“Worried, anxious”

“Like the receiver (and thrower) of a hot potato”
Copyright literacy is....

“acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material.”

Secker and Morrison, 2016, p.211
Building copyright literacy

- Getting comfortable with uncertainty
- Education not training
- Avoiding binaries
- Balance between content and approach
The international copyright literacy survey

- Levels of copyright literacy are less than satisfactory
- Improvements are needed
- There are differences across the countries
- Highest scores are from countries with institutional copyright policies and training programs (such as the UK, USA, France, Finland and Norway)
- Majority (92.9 percent, n=1790) thinks that copyright literacy should be included in LIS curriculum
The international copyright literacy community
Copyright Literacy in the United Kingdom
Bridging the gaps

Rightsholders & libraries

Lawyers & librarians

Creators & consumers

Activists & practitioners
Introducing Copyright the Card Game

Let’s Play!
COPYRIGHT THE CARD GAME:
WORKS, USAGES, LICENCES AND EXCEPTIONS

Chris Morrison and Jane Secker

EBLIDA-NAPLE Conference - May 2018

https://copyrightliteracy.org
@UKCopyrightLit
LET’S MAKE COPYRIGHT FUN
INTRODUCTIONS

Introduce yourself to your team mates

Decide on your team name

Give us your team name for the score sheet
COPYRIGHT: THE GAME

Works

Usages

Licences

Exceptions

Risk
THE RULES

Each round will focus on one ‘suit’

Each team will have one deck of cards

Each team must nominate a card handler

Teams should confer and agree answers

Answer the scenarios by selecting the cards
Works
WHY CONSIDER TYPES OF COPYRIGHT WORK?

- Different durations
- Different layers of rights
- Different owners within content
- Different licences
- Some exceptions work specific
COPYRIGHT WORKS (2)

Æ  Typography
PD  Public Domain
Database
Moral Rights
Performance
Non Qualifying
Use your “Works” cards to identify what types of works are in the object your team has been given.
Usages
WHY CONSIDER TYPES OF COPYRIGHT USAGE?

- They are the CDPA ‘restricted acts’ as defined in law
- The ‘restricted acts’ must be ‘mapped’ onto any activity to understand licences and exceptions available
COPYRIGHT USAGES

- Copying
- Issuing copies to the public
- Rental or Lending
- Public Performance
- Communication to the public
- Adaptation
Using your “Usage” cards, decide what types of usage apply in the following scenario.
What types of usages apply?

1. A public library stages a production of Harry Potter and the Cursed Child

Public Performance
What types of usages apply?

2. A bar owner turns on a satellite TV football match for her customers

- Communication to the public
- Public Performance
Licences
WHY CONSIDER TYPES OF COPYRIGHT LICENCE?

+ **First point of call**
  + Can effectively provide zero risk
  + May already have paid for them

– **They all involve limitations**
  – Not carte blanche
  – Relationship with exceptions
COPYRIGHT LICENCES (1)

- **CLA** (Copyright Licensing Agency)
- **NLA Media Access**
- **ERA** (Educational Recording Agency)
- **Filmbank / MPLC**
- **Library E-resources**
- **Creative Commons**
COPYRIGHT LICENCES (2)

‘Bespoke’ permission

Website Terms & Conditions

UK Orphan Works Licence

You own the copyright

You made it as an employee
Using your “Licences” cards, decide what types of licences apply in the following scenario?
What types of licence might apply?

1. A librarian taking extracts of published literary works and uploading them onto a university e-learning platform for the use of registered students

- Copyright Licensing Agency
- Newspaper Licensing Agency
- Educational Recording Agency
- 
- CC
- T's & C's Agree
- Cancel
- Intellectual Property Office
- CLA HE Licence
- E-Resource Licence?
- NLA Licence?
- CC or Open Licence?
What types of licence might apply?

2. A librarian digitises a collection of now defunct early twentieth century historical society annual reports

‘Bespoke’ permission?

UK Orphan Works Licence
Exceptions
The following slides are intended to give an overview of the key UK copyright exceptions for those in higher education institutions. They are not comprehensive, nor do they provide full details of the provisions within the relevant legislation (most notably Copyright, Designs and Patents Act 1988).

The slides are for information purposes only and do not constitute formal legal advice.

If you find anything in the slides which appears to be inaccurate or misleading please contact ukcopyrightlit@gmail.com
FAIR DEALING

Determines whether usage is lawful or infringing based on how a ‘fair minded and honest person’ would deal with the work.

Does using the work affect the market for the original work? Does it affect or substitute the normal exploitation of the work.

Is the amount of the work taken reasonable and appropriate? Was it necessary to use the amount?
S29 – Research or Private Study

S29a – Text & Data Mining

S30 – Quotation

S30A – Caricature, Parody or Pastiche

S31A-F - Accessible Copying

S32 – Illustration for instruction
S34 – Educational Performance

S35 – Recording of Broadcasts

S36 – Educational Copying of Published Extracts

S40B - Dedicated Terminals

S41 – Library to Library Copying

S42 – Library Preservation
S42A – Library Copying for Users

S43 - Library copying of unpublished works

S44B - Orphan Works
“To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable.”

Copyright, Designs and Patents Acts 1988
ROUND 4

The final round uses all the cards:
1. Consider the following scenarios within your teams

2. Play the relevant ‘Works’, ‘Usage’, ‘Licences’ and ‘Exceptions’ cards

3. Choose a level of risk from 0 to 5 and play the corresponding card
1. You want to create an online Open Educational Resource for students on architecture and decide to include a photo of a Frank Lloyd Wright (d.1959) building you find on a blog. The blogger has not identified who took the picture, or where it came from and attempts to make contact with them have resulted in no response. You decide to include the image anyway.
2. Open Educational Resource

Risk

Licences

Exceptions
2. A blind student needs an accessible version of a 40 page pamphlet you hold in your collection. They want a version suitable for use with their screen reader software and have asked their ‘library buddy’ to make a digitised version for them. The pamphlet is not covered by the CLA Licence and is not available in digital form.
2. Accessible Copying

- Works
- Licences
- Usages
- Risk

- Exception
CHRIS AND JANE’S 3 TOP TIPS

1. First start by considering the **works** and **usages**

2. Then consider **licences** and if there are none that apply, look at **exceptions**.

3. You will always need to make a **risk** assessment. If relying on exception consider what is ‘**fair**’.
RUNNING THE CARD GAME

1. It is licensed for non-commercial use only
2. You will need to be familiar with copyright to deal with queries and questions
3. You can train from 6 - 40 people
4. Allow 1.5 - 3 hours
5. Room set up – cabaret style
6. Customise the scenarios for your own context
7. Keep the pace up and have fun
ADAPTING THE CARD GAME

• Adapting the rounds
  1. Copyright works - is the work protected?
  2. Is it a restricted act / exclusive right?
  3. Is there a relevant licence/s?
  4. Is there a relevant exception?
  5. What is the risk?

• Translating the cards
• Creating the slides with relevant scenarios
• Testing it with librarians in your country
Playing with Copyright

UK game downloaded over 2,500 times: international versions available and in development

https://copyrightliteracy.org/about-2/copyright-the-card-game/

Playing Copyright the Card Game in Scotland

US version of copyright card game by Paul Bond

Canadian version of Copyright card game. Photo by Sarah Severson
Feedback to date....

“Very informative, in small chunks of information and mixed with group interaction. I learned a lot in the two hours and consolidated some previous knowledge also. Explaining concepts to team mates or discussing possible options, it made it clearer for myself.”

"best session on copyright I have ever attended. Great game format make me think about the issues"

“It was a lot of fun, copyright can be a lot to chew and this session made it easy to digest... The cards were very well done, the activity was clear which made it a lot more fun.”

“It is a fun way to approach a fairly turgid subject”

“I found it innovative to present copyright issues through an interactive workshop.”
You’ve played the game...

Chapter 6 available for free download (includes case study on the card game)
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**DOWNLOAD THE FULL CARD GAME RESOURCES HERE**

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http://copyrightliteracy.org  @UKCopyrightLit

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