Using other people’s work

Sarah L. Shreeves
Scholarly Commons
University Library
April 9 2013
Exceptions to Rights of Owners

- Public domain
  - Published before 1923, government works,
- Section 107 - Fair use
- Section 108 – Library copying (preservation / ILL)
- Section 109(a) – First sale doctrine
- Section 109(c) - Exception for public displays
- Section 110(1) – Displays and performances in ftf teaching
- Teach Act (not applicable here)
Fair Use

- Purpose and Character of Use (is it transformative?)
- Nature of the Work
- Amount and Substantiality of Use
- Effect of the Use Upon Potential Market

Codes of Best Practices available for: Libraries, Archives, and Museums; Choreography; Documentary Film Makers; Media Literacy Education
But... contracts can trump these exceptions

– License agreements between an author and a publisher

– License agreements between a library and a publisher
May 6, 2012

Elsevier Experiments With Allowing 'Text Mining' of Its Journals

By Jennifer Howard

High-profile scholarly boycotts aren't the only way to get a big publisher's attention. Sometimes all it takes is a tweet.

Not long ago, Heather A. Piwowar, a postdoctoral researcher at the University of British Columbia, found herself on the phone with six high-level employees of the science-publishing giant Elsevier. Ms. Piwowar studies patterns in the sharing and reuse of research data. (Her Twitter handle is @researchremix.) Her work depends on text mining, using computers to automatically pull certain kinds of information from large amounts of text, including databases of journal articles. Many of those are subscription-based, and can be hard to get access to.

The chat with Elsevier came about because Ms. Piwowar had complained on Twitter about how little Elsevier content was openly available to text mine. Alicia Wise (@wisealic), the publisher's director of universal access, responded, saying that Elsevier content could be text-mined, which led to the phone talk and negotiations by e-mail, and eventually to an agreement between Ms. Piwowar's university and the publisher that will allow UBC researchers to dig into Elsevier content for research purposes.
Creative Commons

The Licenses

**Attribution**
CC BY

This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials.

View License Deed | View Legal Code

**Attribution-ShareAlike**
CC BY-SA

This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This license is often compared to "copyleft" free and open source software licenses. All new works based on yours will carry the same license, so any derivatives will also allow commercial use. This is the license used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects.

View License Deed | View Legal Code

**Attribution-NonCommercial**
CC BY-NC

This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.

View License Deed | View Legal Code

**Attribution-NonCommercial-ShareAlike**
CC BY-NC-SA

This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.

View License Deed | View Legal Code

**Attribution-NonCommercial-NoDerivs**
CC BY-NC-ND

This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can’t change them in any way or use them commercially.

View License Deed | View Legal Code
Public Library of Science
Datasets
Contact Info / Attribution

Sarah Shreeves
  IDEALS Coordinator
  Scholarly Commons Coordinator
  sshreeve@illinois.edu
  217-244-3877

Slide 4 used under a license from iStock. If you reuse this slide deck please remove this slide unless you purchase a license yourself.

The majority of this work is licensed under the Creative Commons Attribution 3.0 United States License. To view a copy of this license, visit http://creativecommons.org/licenses/by-nc-sa/3.0/us/ or send a letter to Creative Commons, 171 Second Street, Suite 300, San Francisco, California, 94105, USA.