

Copyright and Fair Use Essentials in Publishing and Teaching

Workshop Case Studies

1. I would like my students to read an article prior to next class, but unfortunately the library does not own or have access to it. I myself have a copy of the article, which was published in 2002, and wouldn't mind scanning it and uploading a pdf of it to their TUSK course page. Can I do that? What other questions would I need to ask myself? What questions would weigh most heavily in my decision? What additional information would I need in order to make a decision? What if Tufts *did* have access to the article? Does that change whether or not I can post it in TUSK?
2. Could you look at this part of my publisher's contract and tell me if I can post the article to my lab website?

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- the right to expand an article into book-length form for publication provided that acknowledgment to prior publication in the journal is made explicit.

3. I'm giving a talk to the Massachusetts Psychiatric Society and I would like to hand out to participants the table of contents and the first page of each chapter in the following book available in Tisch Library: *Black, Allida. Casting Her Own Shadow: Eleanor Roosevelt and the Shaping of Postwar Liberalism. New York: Columbia University Press, 1996.* Can I? I see that Google Books has digitized most of what I want to use anyway. Does that help my case? What other questions would I need to ask myself? What questions would weigh most heavily in my decision?
4. Once a week, my colleagues and I hold a cancer case conference where we discuss articles and talk about recent cases of interest. We would like to have an online location to gather all of the articles for discussion, so that they are conveniently accessible to all participants. I have received a few suggestions for where to host it, namely TUSK, Google Docs, and Mendeley.

I contacted Mendeley, a free reference manager and academic social network website, about using their product and here is the response I got from the rep:

" yes, Mendeley has private groups which are limited in number of documents and participants and which are not accessible publicly. You can share documents in these groups, regardless of source, without involving CCC [copyright clearance center], and we're fully DMCA-compliant."

Is this correct? Does this mean I can use Mendeley? What does it mean that Mendeley is "DMCA-compliant?" How does this response jive with Mendeley's Copyright and Intellectual Property Policy, which is on their website, as follows (<http://www.mendeley.com/copyright/>):

Mendeley respects the intellectual property rights of researchers, scientists, publishers and others and asks that you do too. Accordingly, you may only post versions of Academic Papers, journal articles, or other content on the Site if you

have the right to do so. By way of example, while many journal publishers permit posting of some versions of Academic Papers, most journals restrict the sharing of final versions. To be sure you have the right to upload such content, you should review your publishing agreement, the publisher's copyright policies, the SHERPA/RoMEO database, and/or any other applicable information prior to posting any version of an Academic Paper[...]

What about the other options suggested? Are any of those appropriate? Is there somewhere else I should be considering or is this just not something I should be doing? What other information would I need in order to make this decision?

5. I am working on an anatomy textbook. I was told (by someone who has worked in various publishing companies) that if a drawing is modified to about 30%, one can cite the source and it is not necessary to obtain copyright release. Is this true? I also want to reuse data from a published study in my textbook, but create my own chart summarizing the information. Is this okay to publish? What other pieces of information do I need in order to make these decisions? What other questions would I need to ask myself? What questions would weigh most heavily in my decision?
6. I want to upload a histology slide to TUSK that I found on Wikimedia Commons. It says that it's Attribution-Share Alike 3.0 Unported license, and says it's free "To share" and "To remix." Does this mean that even though it's copyrighted under the Creative Commons, I can use it without asking the Fair Use questions? Conversely, does it matter which Creative Commons license it is under, as long I ask myself the Fair Use questions, deem it fair use, and attribute the slide?
7. I want to have the students take a questionnaire on the first and last day of classes to see how examining stereotypes of aging has impacted their attitudes toward elderly people. The instrument I want to use is the Fraboni questionnaire, revised by Rupp in 2005. What is the protocol for using someone's questionnaire in class? Can I use it? What other questions should I be asking myself when making this decision?
8. I ordered books for my Spring semester course. I know that one book that I used in the past has been out of print for quite a long time. I looked on the internet for a while and came to "archive.org and Universal Library". The book was there and I downloaded it. It looks like it had originally been scanned from a public library book (the borrowing card was copied). If it is out of print and unavailable otherwise, is it OK to tell my students to download it free?

9. A team of medical practitioners wrote and published an article in a peer-reviewed journal about the use of a particular protocol in ICU patients. An appendix to the article included copies of a flowchart and order set developed by this team for this particular set of patients. The authors have been approached about publishing a follow-up article on their project in a different journal. This follow-up article would also need to include the flowchart/order set. Can these materials be re-published in the second journal? What additional information would you need to make a decision?

10. Students in my public health class are working on a project where they would like to include pictures/screen shot of brand name (brand labels) on one of their presentation slides in order to list companies which buy Cacao from organic farms. Can they? What questions should the students ask themselves when making this decision?

11. I would like to publish a journal article that will include redrawn figures from an MS thesis. The student is a co-author on the paper. The MS thesis is displayed with a copyright from ProQuest LLC. The journal's website states that copyright permission is required for redrawn figures from copyrighted sources. What do I do? What other information do I need to make this decision?