

# Copyright: What You Need to Know

## Course

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### Licensing [6:41]

[https://players.brightcove.net/2566261579001/HyuWsfFhb\\_default/index.html?videoId=4346769630001](https://players.brightcove.net/2566261579001/HyuWsfFhb_default/index.html?videoId=4346769630001)

### About

With the spread of digital materials, we are moving from copyright based on law to copyright based on contracts (licenses).

### Transcript

A major shift in copyright—in the world of copyright is the move from owning an item that's protected by copyright and licensing the rights to use that item. The shift has been happening for several decades, but it's all in response to increasing use of digital and electronic formats for works where ownership is a little bit more complicated than it is with a hard, physical copy.

Part of both the move, part of the reason for the move from ownership to licensing and also part of the challenge with it is the fact that—especially corporate copyright owners like publishers or movie studios who own most copyrights that are being exploited now—the digital world freaks them out and that's understandable because of course digital technology makes it so easy to copy and widely distribute a work easy, cheap, maybe free and sometimes even makes it easy to do so without being easily detected.

These copyright owners are trying to maintain or they're afraid that they're going to lose control of their works and they're trying to maintain some control by licensing your right to use the work rather than transferring ownership of the work to you. Now you may have a physical copy like on a CD, it may not be that you're using it online you may have a physical copy but it may be subject to license.

There are a couple of reasons this is difficult and challenging for libraries for schools. One is that statutory law is based on ownership so it just doesn't really fit in a license situation. The other is that when you rely on the law, everyone has the same rights and obligations. But contracting in a license is a type of contract is a private party agreement. Even though you may have licensed the same material as one of your colleagues if you each have your own license, it might be under different terms. That can become very confusing and complicated.

Let's talk for just a minute by what I mean by license or a contract. A contract really is any binding agreement regardless of the format, whether it's on paper or digital whether you signed it with a pen, signed it with an electronic signature or whether you clicked I agree or I accept online, all those websites where you click a button like that are binding you to the terms every time you click. You're bound to the terms of service, terms of use which are a contract that you just agreed to. In other words, whether or not you've read a contract doesn't matter as to whether you're bound by it, whether or not you understand it, if you read it but you don't understand it. If you agreed to it, you're bound by it.

This can become complicated in the library world where different people are engaged in agreeing to license this. Sometimes it's a librarian, sometimes it's someone in administration and they may have different understanding and expectations of what a license should say, of what they're allowed to do by their school district. It can make life complicated so what that means is that your district should have a discussion. We're going to talk about policies in a different lesson, have a discussion about how you approach licensing, agreeing to licenses for different kinds of materials because remember, once you agree, you're bound by that license.

Now, I frequently get questions about that basically boiled down to how does a license or a contract—a license is just a type of a contract meshed with the law. The law says this but my license says this, so what do I really do? Think about the law, the statutory law, the copyright act as the default and a license is an agreement to go around—not around the law but that rides on top of the law. The example I like to give is buying property. When you buy property, you have—the law allows you to do certain things with it. In many states, it allows you to pretty much build anything you want unless you live in an area that has zoning and then you're subject to zoning law. Or most states will not let you build say a liquor store right next to an elementary school or a church. Aside from those laws, you can do whatever you want.

But if you buy your property and a homeowner's association district, then you have and you, by buying that property or by signing an agreement, you're binding yourself to that HOA and its rules. That's your contract that's going to limit your rights on what you can do with your property. You've done that presumably because you get some

benefits from the HOA so you've given up some of your rights under the law. Whatever the HOA agreement does not address is still governed by the law. That's a good context to help you understand the role that licenses and contracts play.

The takeaway here is be sure you understand and are willing to agree to the terms of any license or contract that you agree to when you agree at this. If you're acting in your role as a professional, then you're binding your institution so make sure you understand what you're doing and are willing to do it.

Activities

## Your Digital Resources

### Context:

With the changing landscape of the digital world, ownership of works is becoming more complicated. Licenses are often required to be agreed upon for the use of materials. When accessing digital materials, users often agree to licensing terms without knowing the specifics of the agreement.

### Instructions:

For digital tools that are regularly used in your library or school, find and read the terms of service for the tool. Identify areas that may limit use in your school setting. Create a table for teachers and/or students that makes this information easily understandable and accessible. What do users need to know about how they've agreed to use the tool?

Identify licensing policies that are in place for your school district. Keep these handy for the last two lessons in this workshop.

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## ADDITIONAL RESOURCES

[Copyright Resources.](#)

### MLA CITATION

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