Summary:

This class will explore potential answers to the question of “Who owns culture?” through the lens of creativity, scholarship, preservation, and their resultant legal and ethical conflicts. Students will study contemporary and historical accounts of how Western society has perceived and practiced “ownership” of culture and information. Examples of such accounts can be found in a wide array of areas such as, but not limited to: media, business, the arts, music, literature, academic research, and journalism. The current system for such “ownership” is called copyright law. This class will introduce students to the basics of copyright law in the United States with an emphasis on the fact that copyright issues are often much more complex and nuanced than initially perceived.

Learning goals:

This course will satisfy the Ethics and Human Values requirement for General Education courses. There are two main learning goals for all Ethics and Human Values courses:

1. Correctly apply the basic concepts and forms of reasoning from the tradition or professional practice they studied to ethical issues that arise within those traditions or practices.

2. Analyze and critically evaluate the basic concepts and forms of reasoning from the tradition or professional practice they studied.

Here are the learning goals as they specifically relate to this course:

1. Students will demonstrate how to correctly apply the basic concepts of copyright in a general context as well as within their chosen fields of study.

2. Students will analyze and critically evaluate basic concepts of copyright in a general context as well as within their chosen fields of study.

Objectives for each week:

Week 1:
I. Define general concept of copyright.

II. Identify kinds works protected by copyright.

III. State the exclusive rights given to copyright holders in the U.S.

Week 2:

I. Discuss general history of copyright in the United States.

II. Discuss how copies of works were handled and controlled in Western Society after the invention of the printing press up to the founding of the United States.

Week 3:

I. Discuss the process by which an author registers for copyright.

II. Explain how copyright is a bundle of rights given to an author and how those rights may be transferred to others.

Week 4:

I. Explain what cannot be copyrighted.

II. Define the concept of public domain and explain basic criteria for when copyrighted material falls into the public domain.

III. Identify sources of public domain materials that can be used in the United States.

Week 5:

I. Define concept of Creative Commons Licenses and types of licenses.

II. Discuss advantages and disadvantages to using and creating Creative Commons Licensed material for different purposes.

Week 6:

I. Define copyright infringement

II. Explain penalties for infringing copyright.

III. Describe one or two court cases where a defendant was found guilty of infringement.

Week 7:

II. Discuss history of fair use in the United States.

Week 8:
I. Compare classroom guidelines for fair use versus best practices (fair use myths).

II. Identify and use tools that will help you make fair use determinations.

Week 9:
I. Discuss appropriation art, music sampling, documentary filmmaking, and criticism and how fair use allows authors to use copyrighted works within their own without the need for permission from rights holders.

II. Discuss cases where artists or authors have used fair use as a defense and whether or not they were successful.

Week 10:
I. Define the Doctrine of First Sale and apply it to everyday things you do as a consumer and student.

II. Discuss difficulties with Doctrine of First Sale within an online world.

III. Explain the role of contracts and licenses within copyright and how that affects your use of such materials as a consumer and a student.

Week 11:
I. Define the exceptions given to classroom instructors in Section 110 (1) and (2) (or TEACH act) on using media materials.

II. Discuss how Section 110(1) and (2) may help you as a potential classroom instructor.

Week 12:
I. Explain circumvention of copyright protection systems provision in the Digital Millennium Copyright Act (DMCA) on DVDs, CDs, and computer software.

II. Discuss how the DMCA may affect your ability to use such items as a consumer, student, or a potential classroom instructor.

Week 13:
I. Explain when permission would be needed from a rights holder to use their copyrighted materials.

II. Define the process of obtaining permission from a copyright holder to use a copyrighted item.

Week 14:

I. Define orphan works.

II. Identify a few organizations that can help you obtain permission from rights holders to use copyrighted materials.

Week 15:

I. Identify several continuing education opportunities for learning more about copyright law.

II. Identify authoritative resources on copyright law to assist you with further questions.

**Potential content:**

* Lecture.

* YouTube videos featuring authoritative content on the basics of copyright.

* Guest lectures from copyright experts.

* Readings for each week will be scanned and placed in Moodle. Such readings will include portions of books by Kembrew McCleod, Siva Vaidhyanathan, Lawrence Lessig, Carrie Russell, Kenneth Crews, and James Boyle. Other reading materials may come from the U.S. Copyright Office, copyright offices of governments of other countries, court cases, summaries of court cases or other copyright-related issues, and links to authoritative web sites on copyright.

**Potential assignments and graded activities:**

* Several 1-2 page writing assignments to assess specific learning outcomes

* Weekly in-class discussion on readings and other class content

* Quizzes

* Small group presentations
* Mid-term and final exam

* Individual in-class presentation as a final project.

**Potential final project topics:**

1. Summarize a fair use case and its outcome. Next, how would you have decided the case based on your understanding of the facts of the case and your knowledge of copyright?

2. Examine how journal publishers ask authors to transfer rights of their articles through their policies. State pros and cons of how such policies affect the publishers and authors.

3. Examine a user group (users of copyrighted material) to see how they use or appropriate copyrighted materials into their own works. Do they have best practices for such uses? Are there court cases on using copyrighted works within this user group? If so, what were the outcomes?

4. Summarize an instance on how visual artists or musicians have appropriated others’ works into their own works prior to the “invention” of copyright law in the 18th Century. What were the prevailing attitudes regarding that type of appropriation?

5. Summarize an instance where an original artist, musician, or composer was not given any recognition or payment for their works. Did the artist sign their rights away to a publisher or distributor? What other factors came into play for their lost incomes?

6. Describe the complexities of music or video and copyright law. How many copyrights could exist within a work? How are such complications resolved?

7. Explain the issue of pre-1972 sound recordings in the United States and how this has affected use of these materials along with preservation of music and oral histories.