

2. No Fear Fair Use: Practical Fair Use for Cultural Institutions

Description

Imagine if all creators had to wait for a copyrighted work to be in the public domain before they quoted that work? Or if users always had to seek permission, and that permission could be denied with no recourse? Copyright law's fair use doctrine provides flexibility in the copyright system, allowing use of copyrighted materials during the copyright term without permission from the copyright owner.

The famous fair use four factors outline the ambit of this right, but there is still uncertainty about how to apply the factors in practice. This uncertainty often leaves cultural institutions with policies that are either overly restrictive, limiting patron services and discouraging new creations, or overly permissive, potentially subjecting the organization to liability.

This class aims to dispel the myths surrounding fair use and empower, enhance, and increase attendees' confidence when handling the wide array of fair use focused questions and policies.

Learning Outcomes

- Understand the importance of fair use as it applies to work inside cultural institutions, and the work that is developed by our community of researchers, patrons, and other users.
- Conceptualize "answering" the most common fair use questions using the structure of the statute and interpretive case law
- Develop fair use education, including myth-busting common fair use misunderstandings, that can reduce risk at an institution

Access

Access to the recording of the class delivered live on 3/10/21 is available to LYRASIS Learning subscribers in the [Learning Library](#) and through partnerships with advisory group members, instructors, and other copyright education programs.

Instructors

- **Sandra Aya Enimil** (she/her) is the Copyright Librarian and Contracting Specialist at Yale University Library. At Yale, Sandra is the Chair of the License Review Team and provides consultation on licenses of all types for the Library. Sandra also provides information and resources on using copyrighted materials and assists creators in protecting their own copyright. Sandra collaborates with individuals and departments within the Library and across campus. She has given numerous presentations on various aspects of copyright. Prior to this role, she was the Copyright Services Librarian at Ohio State University Libraries. Sandra is committed to diversity, equity, and inclusion (DEI) and is interested in the intersection of DEI and intellectual property. Sandra earned her Law and MSLIS degrees from the University of Illinois at Urbana-Champaign. Sandra has BAs in Political Science and Psychology from the University of Michigan and an MA in International Relations from the University of Ghana.
- **Kyle K. Courtney** is an attorney, librarian, and the first Copyright Advisor at Harvard University, working out of the Office for Scholarly Communication at Harvard Library. In this role, he works closely with the Harvard community to establish a culture of shared understanding of copyright issues among staff, faculty, and students. His Copyright First Responders (CFR) copyright training program is in its seventh year at Harvard. The CFR program has spread beyond its origins at Harvard to train and form CFR communities in Alaska, Arizona, California, Massachusetts, New Hampshire, Oregon, Rhode Island, and Washington. Kyle has worked as the Copyright and Information Policy Advisor for HarvardX, was named a National Academic Library Mover & Shaker, helped found, coordinate, and launch Fair Use Week, and was awarded a Knight grant to develop a web-based "Fair Use and Copyright Tool." He is a published author and nationally-recognized speaker on the topic of copyright, technology, libraries, and the law. His blog is kylecourtney.com and is on Twitter @KyleKCourtney.