Copyright and Intellectual Property Questions and Answers

1. It may be necessary to seek permission to use copyrighted works. Which one of the following statements is correct?
   Permission granted the first time an item is used applies for subsequent uses
   Permission is free for educational or other non-profit use
   Permission is necessary when a small portion of a work is used
   Permission is unnecessary for items posted to a password protected site (like Blackboard)
   Permission is unnecessary when your institution subscribes to the Copyright Clearance Center annual license

2. There may be times when it makes sense to change or modify someone else’s work to create a new or “derivative” work. If you change ____% you will not violate copyright law.
   10 – 19%
   20 – 29%
   30 – 39%
   40% or more
   There is no set percent identified in the law

3. The Copyright Clearance Center annual license...
   Allows images in articles or textbooks to be used for educational purposes
   Allows students to post copies of articles in response to assignments
   Is an institutional license which pays up front for use of copyrighted materials
   Is available to individual faculty members who need to use copyrighted materials
   Makes it allowable to create links into copyrighted materials

4. Fair use is determined by examining each factor listed below EXCEPT:
   How long will the work be used?
   How much of the work will you use?
   What effect would this use have on the market for the original or for permissions if the use were widespread?
   What is the character of the use?
   What is the nature of the work to be used?
5. It is frequently desirable to have students read journal articles to supplement readings in textbooks. Which statement is the BEST way to supply the students with the article?

Create a link to the full-text
Email the students the full-text as a PDF, rather than posting on the web
Give the students the reference and let them get it directly from the library
Post the full-text as a PDF on the course web site
Print the article and distribute it directly to the students

6. Which statement describes fair use?

Fair use can be determined by analyzing the likelihood the copyright owner will discover the use of the work along with the security settings on the server where the work will be housed
Fair use can be determined by analyzing the quantity of the work used, the effect on the market, the character of the use and the nature of the work to be used
Fair use does not apply for photocopies, electronic distribution, creating derivative works, or public performances
Fair use requires permission to be obtained from the copyright holder
Proper citation (giving credit) makes any use of copyrighted material fair, especially for educational use

7. If you create a link to the full-text of a library subscribed resource, which of the following is true?

The link is created by following the same steps for every publisher/database
The link only works while on campus
**The link will work from off-campus, but only when created to allow for library authentication**
The link will work from off-campus, but only when placed in Blackboard
The link will work if one copies the URL from the address bar of the browser

8. The penalties for infringing copyright law are:

Only incurred by the institution
Paid for by the institution on the faculty member’s behalf
Up to $150,000 for all acts of willful infringement
**Up to $150,000 for each separate act of willful infringement**
Waived if the faculty member was unaware of the infringement

9. Copyright protection is available:

For any original work fixed in any tangible medium
For names, titles, and slogans
Only when a work is registered through the Creative Commons
Only when a work is registered with the US Copyright Office
When a work is sent through the US mail and the envelope with the postmark is retained (Poor Man’s Copyright)

10. All of the following statements about ownership of a work are correct EXCEPT:
    As a general rule, the University owns works created by employees other than faculty members, researchers, and graduate students
    Joint authors of a work are co-owners of the copyright
    Ownership and rights should be discussed at the beginning of a project so that expectations are clearly understood by all parties
    **Paying for a work to be done automatically transfers ownership**
    Publishers can, and often do, require assignment of copyright as a condition of publication

11. Which statement is true about using images taken from the Internet in learning objects?
    Images on government (.gov) web sites may be used
    Images on the web may be used for any purpose
    Images on the web may be used for educational purposes
    **Images with Creative Commons licenses indicate when and how they may be used**
    Images without the copyright symbol may be used under fair use

12. Which of the following statements is a myth?
    Copyright law is complex
    Fair use is determined on a case by case basis
    Permission to use copyrighted material is needed, even if credit is given
    UT System has established rules of thumb for how to use copyrighted works
    **Works must have the copyright symbol (©) to be protected by copyright**