

COPYRIGHT COMPLIANCE

1 April 2020

RE: Awareness – Online Environment

Admittedly, Copyright is the least of our concerns, when focus on student's health and welfare takes greater precedence.

Our university's move to online teaching and learning has increased, like many educational institutions. This heightens the risk of copyright infringement as dissemination has broadly increased. Hence, numerous queries from academic staff, users and creators on ways in which we are interacting with copyright protected material during our national lockdown due to the COVID-19 pandemic.

To minimize risk, educators are encouraged to access licensed material where possible, and to provide links to e-resource material via online teaching and learning platforms. In cases where this is not probable, what is allowed by educational statutory licences will generally be allowed in a digital classroom setting. However, common sense steps must be taken to ensure that risk of infringement is minimized. The Library website affords access to Open Access material and licensed Electronic Resources.

The "fair use" exception to copyright law exists to support the ultimate goal, to provide benefit to the public. As such, the law certainly permits 10% of rights-protected works for emergency online education under a situation like the one we face today. However, it is vital to identify that the fair use provision itself has not altered due to COVID-19. Hence, we do not have clear direction or regulation on how the present situation has legitimately altered from regular compliance. As such, it is wise to act prudently when using copyright-protected works today, as always.

Fair use provision requires one to deliberate on percentage of work required acceptable for use. Accordingly, use copyright-protected material to the extent necessary for effective dissemination for the online teaching environment. Perception of publicly available information, such as on the internet, is not necessarily free from copyright protection.

Digital material uploaded onto Moodle, MS Teams, Zoom etc., the usual compliance route is to be adhered. For convenience the link to the Application Form is provided: <https://www.dut.ac.za/wp-content/uploads/2019/05/1a-Copyright-Application-formm.doc>

MYTHS ABOUT FAIR USE

This communication attempts to dispel myths around fair use by summarizing what fair use is, and what is not. Both fair use and fair dealing are broad-spectrum exception that apply a common test of what is "fair" to different purposes (e.g. criticism, news reporting, scholarly research etc.).

OPENNESS OF FAIR USE ENABLES INNOVATION

A key value of the purposes for fair use is to permit new technologies that could not be foreseen by the legislator. When copyright laws were initially written, computers, internet, social media and much less online

teaching & learning were not imagined. Flexible fair use rules accommodate technological change by authorizing a new technology creator be defended from challenge as long as it qualifies and meets the test of “fair use” requirement.

WHAT FAIR USE IS NOT

Fair use isn't free-for-all! Fair use is not carte blanche to use published work without paying. A key test to fair use; - one needs to ask oneself, whether use would deprive the author of revenue by substituting for the need to purchase the work. Piracy is not fair use!

There is very little, or no commercial fair use on YouTube. Content ID allows the copyright holder to monetize (receive advertising revenue) from use of their work on YouTube.

FAIR USE PROMOTES HUMAN RIGHTS

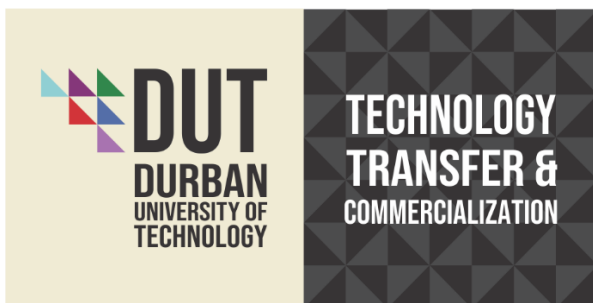
See UNESCO, Approaching Intellectual Property as a Human Right:

<http://unesdoc.unesco.org/images/0012/001255/125505e.pdf>

To balance the rights of copyright owners with the needs of the University, we will restrict access to material only to the DUT community: academic staff, staff related to teaching & learning and students enrolled in courses. Students are advised to limit their use of material provided to them only for the purpose of their own private study, and refrain from sharing with persons not enrolled for the class. We will maximize the full extent of compliance in accordance with Copyright law.

Please direct enquiries to : copyright@dut.ac.za

Remain Safe



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