



Journal of Copyright in Education and Librarianship

JCEL is published by Clemson University Press
ISSN 2473-8336 | jcel-pub.org

Volume 2, Issue 1

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Landis, Cyndi. (2018). Breakout Session: View from the Bleachers: Applied Skills in Finding and Using Free Media Resources. Presented by Barbara Waxer, Santa Fe Community College. *Journal of Copyright in Education and Librarianship*, 2(1), 1–7.



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**Breakout Session: View from the Bleachers:
Applied Skills in Finding and Using Free Media
Resources. Presented by Barbara Waxer, Santa Fe
Community College**

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**Breakout Session: View from the Bleachers: Applied Skills in
Finding and Using Free Media Resources**

Barbara Waxer, copyright educator, author, and instructor in the Media Arts Department at Santa Fe Community College, filled the room with her engaging visuals and quick-paced presentation that focused on the applied skills and resources needed for using copyrighted works and understanding Creative Commons licensing. Grounding her presentation on the dilemma many information consumers and content creators struggle with as they decide whether they can use copyrighted works, Waxer provided solutions to ease the decision-making process and equipped attendees with flow charts and online resources to use for copyright education and awareness.

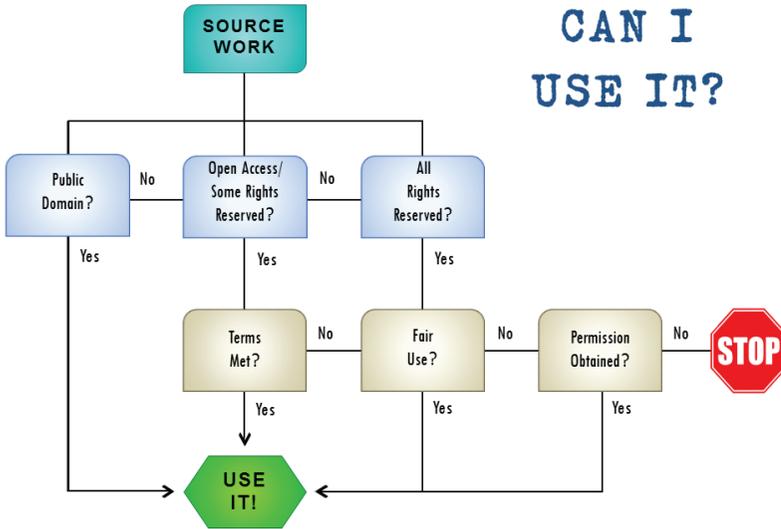
Waxer's presentation started with a brief review of the last 18 months of copyright case law, including the rulings about the song "Happy Birthday," the protection of geometric shapes on cheerleading uniforms, and the Hall & Oates battle with a granola company, concluding that the copyright law is complicated. To add to the confusion, information consumers commonly use excuses to avoid following the rightful use of copyrighted material, including, "If I can right-click it, it's mine"; "I am an instructional designer, educator, student, or artist"; "I'll remove it if I get caught"; "I'll give credit"; "I'll alter it more than X%"; "There's no copyright symbol"; "If I don't profit from the use, I don't need permission"; and the assumption that "No one will come after little ol' me."

Creators who refuse to use these excuses are left to wade through case law and lengthy and complicated terms and conditions, a process of due diligence that Waxer compared to the upper rings of hell. After presenting the state of copyright confusion, Waxer concluded that creators ultimately want to know whether they can use the music, photos, videos, or other works they have found.

The purpose of copyright is to promote culture by offering the incentive of a limited monopoly and eventually dissolving the monopoly to make that intellectual property publicly and freely available. Waxer asserted that the relationship between technology and copyright law complicates the use and protection of works because technology allows users to make exact copies and technological developments are constantly creating new platforms and ways to access, create, and share works. These circumstances are weighted further because users outpace technological developments for protecting intellectual property and technological developments outpace copyright law. Moreover, the copyright laws that are in place do not accurately police the latest technological environments, capabilities, or user behaviors, so choosing to abide by copyright is left for the user to decide. To ease the user's decision-making process, Waxer has developed flow charts and a list of resources for teaching practical skills and the rightful use of copyrighted material.

Flow Charts for Using Media

Being copyright conscious in today's online environment can be challenging when public domain works are often hard to find, licensing filters are not always accurate, works are not properly tagged with license information, stock photos cost money and lack diversity, and tracking down the creator to ask permission to use a work seems like a detective's task. To ease the dilemma of whether one can use something found on the Internet, Waxer created a simple flow chart called "Can I Use It?" (see Figure 1) to guide users through the thought process of identifying whether the work is in the public domain or whether some or all rights are reserved. The flow chart further guides users through considering the terms, fair use, and permission for ultimately deciding whether they can use a specific work.



by Barbara M. Waxer

Figure 1. Can I Use It? Flow Chart.

Waxer believes that picking a photo should be simple; however, copyright and Creative Commons licensing can make it difficult to find the right photo for a project. The handout Waxer created for the workshop included a spectrum of Creative Commons licenses (see Figure 2), identifying and explaining the symbols of attribution, non-commercial use, no derivatives, and share alike.

Creative Commons Licenses							
Copyright All rights reserved	Attribution Non-commercial No Derivatives	Attribution Non-commercial Share Alike	Attribution Non-commercial	Attribution No Derivatives	Attribution Share Alike	Attribution	Public Domain No rights reserved
Most restrictive				Most accommodating			
BY = Attribution	NC = Non-commercial	ND = No derivatives	SA = Share Alike				

by Barbara M. Waxer

Figure 2: Creative Commons License Spectrum.

The most important designation is the non-commercial share-alike licensing because it is hard to break habits that are created on college campuses, where new works often fall under fair use; once creative professionals get into the real world and are in a commercial setting, non-commercial use becomes critical to their career.

CC0 is the most flexible and the preferred Creative Commons licensing when someone wants to use a work; this is because the creator has intentionally dedicated it to the public domain. CC0 licensing, which is a legally binding license that creators own and claim, can often be confused with the public domain (PD) label but differs because the public domain label can be applied by anyone and is not legally operative. While CC0 is the preferred licensing type for creative use, the public needs more education about finding and using works with this designation.

Waxer warned that public domain use only applies to the status of the photo; if the photo contains a person who is recognizable, a model release is also needed, especially for commercial purposes. This dilemma of Creative Commons licensing and the ignorance of model releases is demonstrated in Waxer's flowchart called "Do I Need a Model Release?" (see Figure 3).

DO I NEED A MODEL RELEASE?



* Game, app, website, card, brochure, flyer, poster, or other use that enhances or promotes a business interest

 by Barbara M. Waxer

Figure 3: *Do I Need a Model Release?*

Free Media Sources

After equipping the attendees with flowcharts as tools for applying knowledge of copyright law and Creative Commons licensing, Waxer took a practical look at resources that may be used to find media and discussed best practices for using them.

Waxer discussed the precautions of using searchable image collection websites, stating that many photo collections have terms and conditions that do not encourage users to attribute the use of a work to the original creator, and some will not even list the copyright information with the items in the collection. When image collection websites have licensing filters, the results may not always be accurate. For example, by using the advanced search feature on Flickr, a user-generated image collection website, users can search by license. However, Waxer recommended a more accurate CC0 license search can be conducted using Flickr.com/creativecommons because the creator of the work assigns the proper licensing category and the search returns images under the creator-specified license. Waxer also encouraged the use of ImageCodr (<http://imagecodr.org>) and OpenAttribute (<http://openattribute.com/>) to properly attribute photos found on Flickr. The site allows a user to copy and paste the Flickr URL to generate a clear definition of the work's licensing and to provide an attribution citation with hyperlinks to the creator's account and work. The Creative Commons attribution citation is broken down in Waxer's flowchart, called "CC Attribution in Three Easy Pieces" (see Figure 4).

CC Attribution in Three Easy Pieces

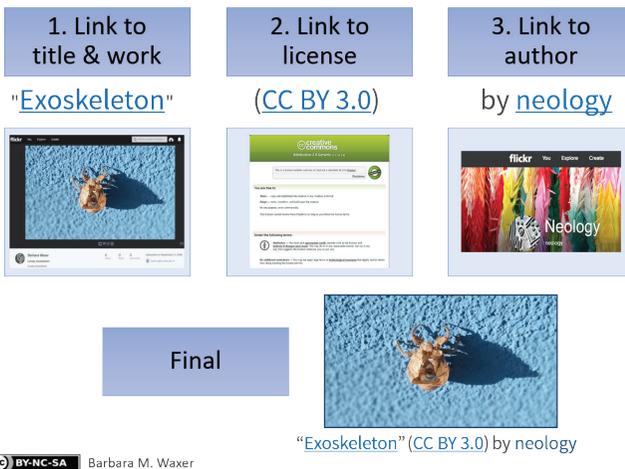


Figure 4: CC Attribution in Three Easy Pieces.

For public domain image searches, the Library of Congress (https://www.flickr.com/photos/library_of_congress), New York Public Library (<http://publicdomain.nypl.org/pd-visualization/>), Federal Agencies (<http://www.barbarawaxer.com/find-media-online/home/federal-sites>), and the Flickr Commons (<https://www.flickr.com/commons>) offer ample opportunities for users to access freely available images. For photos that represent diversity, Waxer suggested searching WOCinTechChat's Flickr Photos (<https://www.flickr.com/photos/wocintechchat/>) and the Jopwell Collection (<https://jopwellcollection.jopwell.com/thejopwellcollection/>).

In addition to highlighting several resourceful tools for finding and using images and media, Waxer encouraged attendees to think about where the images are coming from and discussed the importance of tracing an image back to the original creator to determine the image's original rights and licensing. The reverse image search tool called TinEye.com (<https://www.tineye.com/>) has the ability to sort image results by the oldest to see where the image was first used online, which likely leads to the image creator.

Barbara Waxer only had time to feature a handful of resources and tools that she has curated over years of writing and teaching copyright. Additional information about applied copyright, resources for finding and using creative commons-licensed works, and the flowcharts can be found at Barbara Waxer's website (<http://www.barbarawaxer.com>). Waxer's presentation can also be accessed online (<http://www.uccs.edu/Documents/copyright/2017presentations/ViewfromtheBleachers.pdf>).

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