

2015

1B Copyright Hypotheticals

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**UMass Amherst Copyright Boot Camp 2015
Copyright Hypotheticals**

1. Can linking to content on YouTube or another website get an instructor or the institution in trouble for copyright infringement?
YES, this could be copyright infringement.
NO, linking is not copyright infringement.
IT DEPENDS _____

2. Does fair use permit use of up to (but no more than) 30 seconds of a video or 10% of a text in an educational context?
YES, this is always fair use.
NO, this is never fair use.
IT DEPENDS _____

3. Author A plagiarizes a short but distinctive phrase from Author B. Copyright infringement?
YES.
NO.
IT DEPENDS _____

4. Professor I. Jones shows a documentary about archaeology techniques in class, from a personal copy purchased overseas. Copyright infringement?
YES.
NO.
IT DEPENDS _____

5. Novelist Dana Black has written a best-seller significantly based on a detailed and incredible historical theory that is almost certainly not true. Copyright infringement?
YES.
NO.
IT DEPENDS _____

6. Graduate student Hyde has spent many hours compiling a list of the residents of a small community in Massachusetts, from settlement through the 1950s, and organizing it in a comprehensive database by birth date, death date, and address. Hyde inadvertently left the data in an unprotected file on a website, and fellow graduate student Jekyll gathered it and posted it to the Internet Archive and to Wikisource, a Wikipedia-associated site of free texts. Hyde wants to have this material removed; is there a copyright claim to be made?
YES.
NO.
IT DEPENDS _____

7. An undergraduate student in the CS department has somehow captured the entire database of federal legislation (THOMAS), and has published search scripts for her downloaded database. Copyright infringement? (Check all that apply.)

For copying the set of materials:

YES

NO

IT DEPENDS _____

For hacking into a database:

YES

NO

IT DEPENDS _____

For publishing search scripts to search hacked materials:

YES

NO

IT DEPENDS _____

8. An adjunct faculty member in the media studies department wants to assign students a “vidding” activity – pick one or more TV series, develop a critical thesis about it, then capture clips from the show, and arrange the clips to demonstrate the thesis. Copyright infringement?

YES

NO

IT DEPENDS _____

9. A political science researcher has found evidence of fraud by searching a proprietary, licensed database of business information. The researcher is about to publish a paper with materials quoted, but the publisher is worried that the data is proprietary and licensed. The license says no quoting is permitted, and the content can only be viewed but not quoted. Can the researcher argue fair use given the important public purpose of demonstrating fraud?

YES

NO

IT DEPENDS _____

10. A professor wants to teach a film studies MOOC, and include short clips of films to illustrate her points. The MOOC will be open to the world and already has 75,000 people from around the world enrolled, three months in advance. The clips will be posted in an open format, and viewable by all students, as well as members of the public, and will be annotated extensively by the professor with voiceovers and moving graphics superimposed on the clips. Which of these defenses & limitations might help the professor? (check all that apply)

17 USC 107, “fair use”

17 USC 110(1), “classroom performance”

17 USC 110(2), the “TEACH Act” for distance education