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## Copyright for Creators: Bridging Law and Practice

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# Copyright for Creators:

## Bridging Law and Practice

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## Introduction

Everyone is a publisher, a maker, or a creator in the digital age, and understanding copyright is a foundational skill. Artists, designers, and arts scholars need acute awareness of the legal landscape and fair use. To help meet this need, Virginia Commonwealth University (VCU) Libraries, in concert with the VCU School of the Arts, created a series of programs on the nuances of copyright for artists, designers, and art scholars.

## Description of Institution

Located in the heart of Richmond, VCU is an urban public research university with an enrollment of more than 31,000 students. Its top-tier School of the Arts has an enrollment of just under 3,000 students in sixteen programs, including art scholarship, education, design, performance, and studio practice. VCU's James

Branch Cabell Library meets the research needs of these students with resources and specialist librarians.

## Outreach/Marketing Problem Addressed

At VCU Libraries, the Arts Research Librarian is the liaison to the School of the Arts, tasked with providing course-integrated instruction, one-on-one consultations, and programming. The Scholarly Outreach Communications Librarian provides guidance and information on processes by which research and scholarly works are created, evaluated, and disseminated, including topics like copyright, fair use, open access, and research impact. In our work with arts students and faculty, we identified a need for education around the unique set of copyright needs and issues they faced, addressing their work as members of an academic community as well as working artists outside of the academy.

### From the Arts Research Librarian's Perspective

When I discussed topics like image citation and fair use in library orientation, copyright information was novel. Students did not seem to consider their rights as generators of creative content and their responsibilities when consuming or appropriating the work of others, the implication being that faculty did not prioritize teaching students to navigate these issues. In addition, faculty requests or comments about using materials for their own instruction and research suggested they were themselves unclear on copyright issues. The ease with which the internet makes it possible to use images, video, and more gives students and faculty the illusion that there is freedom to do so. However, the ease of publishing material to the internet can also erase much of the fair use coverage provided by being in an educational context. I was also concerned that students would develop habits around use and reuse of copyrighted content as student artists and scholars that would not translate into their professional lives.

### From the Scholarly Communications Outreach Librarian's Perspective

In speaking to faculty about copyright issues in their teaching and scholarship, I found that faculty working in creative disciplines had unique concerns that were not faced by faculty in other academic disciplines. For example, arts faculty often had concerns, both for themselves and their students, about incorporating existing

copyrighted works into new works and protecting their rights as copyright holders. These answers required more education around topics like fair use, copyright registration, and licensing. I also found that faculty and students faced more complicated permissions processes for using art images and other media, given the multiple layers of rights in creative works.

## Both Librarians' Perspectives

We decided to address the complex subject of copyright for an arts-focused audience with the Copyright for Creators series. The target audience for this outreach initiative was graduate and undergraduate students and faculty in arts disciplines, as well as creators throughout the university community such as web designers and communicators. Richmond is also home to a vibrant art scene fed by the high numbers of School of the Arts alumni who choose to stay and work in the city. Like most VCU Libraries events, Copyright for Creators was free and open to the public, and the topics covered by the series were relevant to this large creative community both on campus and off.

## How We Did It

Once we decided to hold the copyright series, our next step was to establish a partnership with School of the Arts. We worked with the School of the Arts Dean's office to co-sponsor a series of events designed to help prepare students for their life after college. The series was integrated into Catapult (<https://arts.vcu.edu/studentinfo/category/catapult/>).

Next, we identified and contacted content experts, both legal and artist-scholars, to bridge the gap between law and practice. We were fortunate that our University Counsel had extensive experience with intellectual property law and had advised artists in different fields in the course of her practice. We also identified artists and art scholars from the School of the Arts faculty to provide some real-world context to the issues discussed. Their participation enriched the sessions and encouraged attendance among their students.

We decided to use a modular approach and broke the content into three distinct sessions. The basic session format provided time for the legal expert to present copyright information (45 minutes), time for a faculty guest to share their expertise (15 minutes), and time for Q&A with the audience (15 minutes). During the second year we held this series, we invited different faculty guests for variety.

## Copyright 1.0: Overview of Copyright

Copyright 1.0 covered copyright basics with a heavy focus on the concept of fair use. The presenter cited fair use case law from art and other creative fields and explained legal outcomes and implications. The cases covered the concept of transformative fair use and included examples of appropriation, parody, and remix of creative works. Since there was so much content to cover and it was applicable across disciplines, we opted not to have faculty guests for the 1.0 sessions.

## Copyright 2.0: Web, Arts, and Multimedia Issues

Copyright 2.0 addressed reuse of images and other media, including music and video. The presenter highlighted the differences between what is allowable in an educational environment versus what is allowable on the open web. She also helped the audience understand contractual issues that can arise when using content from websites with terms and conditions that can restrict use of images or other media. Faculty guests were a video artist who uses appropriated material for social commentary and a documentary filmmaker and photographer.

## Copyright 3.0: Scholarly Communications

Copyright 3.0 addressed issues faced by art scholars. The presenter focused on reuse of images in scholarly publications, including the complex layers of rights in artworks and the permissions process. She also covered publishing agreements and author rights. Our 3.0 faculty guests—art historians—outlined their experiences obtaining image rights and permissions for books they have had published.

While conceptualizing the content of the program, we simultaneously planned event logistics and public relations tactics. VCU Libraries has a professional public relations and event planning office to support faculty initiatives like Copyright for Creators. This internal, virtual agency frees librarians to focus on the program's creation and content. Whether your library has this level of staff support or if you are in a do-it-yourself office, the processes and tactical steps are similar.

## From the Director of Communications and Public Relations' Perspective

**Talk before you act.** The PR office is an integral part of the discussion and should be brought in from the start of the planning rather than at the end of an assembly-line-style process. This office, or other staff, can offer insight and guidance about a variety of practical factors and focus your ideas and scale and organize your event for the

greatest chance of success. For instance, our events office, which manages close to 200 events each academic year, strongly advises that 90 minutes is a maximum time for a program. It also can offer firm time-tested guidance on matters such as the best setup for your session or how time or day and conflicting events can affect turnout.

**Think about the intended audience clearly.** The tactics and tools used to promote an event will vary widely. Determine the scale, tone, and budget for the sessions. The speaker you choose for a formal lecture may be different from the one for an informal discussion or panel presentation. Book a suitable venue. Copyright for Creators held sessions both in the School of the Arts interdisciplinary collaboration space, The Depot, and in the library's Lecture Hall.

**Set up a registration system.** This gives you control over the budget and setup. Registering attendees also provides a way to communicate with them about the event. This was particularly important since ours was a three-part series that depended upon repeat attendees. We also asked for some basic info to glean who was interested and why. We used the Springshare product LibCal for registration, which was an efficient and streamlined way for us to manage our event. Registrants automatically received a confirmation email upon registering, a reminder a day before the event, and a feedback survey an hour after the event ended.

**Plan food—or not.** We had a budget to offer a “lunch and learn” format. Other formats, such as a bring-your-own coffee for conversation for a breakfast program, might work equally well. Test and check the technology in the room. Gather presentations in advance and load them on the hard drive or the cloud. This is particularly important for media-rich talks. Recruit volunteers or colleagues to staff a check-in table and welcome attendees, run microphones during the Q&A period, and assist in other ways. This frees the main hosts to tend to their guest speakers and handle introductions and other podium duties.

As with all of these projects, the PR director helped to craft a public relations plan. The Copyright for Creators plan, compared to other communications work, was simple and focused on outreach to targeted audiences, mostly but not exclusively in the School of the Arts. A visual identity/graphic was created, merging da Vinci's Mona Lisa with the copyright symbol. This simple, iconic visual appeared on all materials, which included

- a web page as part of VCU Libraries standardized events outreach effort;
- rack cards—3.75 by 8.5-inch, two-sided brochure printed on card stock—distributed at faculty orientation, pop-up libraries, in School of Arts buildings, open houses and orientations, and library service points promoted the three-part series;
- e-vites (built in Mail Chimp using a guest list of probable and then actual attendees);
- e-newsletters sent to School of the Arts and Humanities faculty; and
- posters (24×36-inch) were displayed in library buildings and in some arts buildings; 11×17-inch posters were distributed to faculty offices in

School of the Arts and to other individuals and departments such as the Brandcenter, and Mass Communications.

Additional materials created to support the project included

- copyright for Creators online guide with relevant resources (<http://guides.library.vcu.edu/copyright-for-creators>);
- mass emails on campus; and
- social media postings.

After each session in the series, a brief online survey invited feedback to gauge effectiveness and inform future sessions. We used the Springshare product, LibWizard, which integrated seamlessly with our registration tool LibCal. We also added the legal expert's presentation slides to Copyright for Creators online guide, sent an invitation for future sessions to attendees, and sent thank-you notes to our speakers.

## Cautions

Consider contacting your university's legal team or office of counsel to see if an intellectual property expert would be willing to partner with you or recommend someone else. Find someone who can strike a balance that will encourage responsible copyright behavior and support academic and creative freedoms. Having our university counsel was a great benefit. Her position allowed her to speak with authority on the university's policies around copyright as well as articulate the university's support for fair use.

Be clear with speakers about what you need from them and how long they are to speak. We provided a list of specific topics that we wanted our legal expert to cover and explained the specific perspectives we wanted guest speakers to provide. Less is more, and if you tell someone to talk for 10 minutes, they will generally talk for 15 or more.

The session moderator should be prepared with questions to ask the audience during Q&A, in case they don't offer any. Questions can also be solicited in advance via email or social media. However, our attempts to crowdsource questions prior to the events from School of the Arts students and faculty were unsuccessful.

Decide if you will record sessions and how you will share session content. We decided not to record the sessions on advice of our legal expert so that we could provide a candid environment for the presenters and the audience to speak about legal issues. Although we did not record the sessions, we did create a research guide to share the legal expert's slides and other helpful resources. Unfortunately (and ironically), it would have been difficult to share slides from our artist-scholars because of the amount of copyrighted works within them that would not necessarily have a strong case for fair use (for example, art images that were displayed as the speaker explained the permissions process they went through to use the images in their scholarship). In order to maximize the impact of the workshops, it may be helpful to translate any

presentation slides into a more easily readable format and to find a way to share out the experiences of our artist-scholars (for example, writing them up as case studies).

Do not try to fit too much into any one session. We tried lengthening the sessions with a hands-on activity based on the concepts covered in the session, but most attendees did not stay for the extra half hour. Based on feedback received from the follow-up survey, it seems that inviting attendees to future, more focused sessions with hands-on components could be more effective than increasing the length of this event beyond an hour and a half.

## Assessment

We repeated the series for a second year due to our success with the first year. For both years, we gathered information about attendees' status and department during registration. We found that there was interest not only from faculty and students in the School of the Arts, but also from those involved in creating art or media throughout the university, including faculty and staff in communications, University Relations, and web design. Many attendees were alumni and artists from the community. However, the second year attracted an even more diverse group of attendees from divisions outside of the School of the Arts.

Survey results were consistent across both years. Based on the feedback we received, attendees found the series content highly useful. Comments revealed this was largely due to the legal expert's interpretation of specific, relevant case law combined with the real-world perspectives and concrete examples from faculty experts. This combination helped attendees understand best practices in their disciplines and provided them with a framework to analyze copyright issues in their own work. The topics that attendees were most interested in learning more about in future workshops included

- discipline-specific issues or media-specific issues (for example, reusing video for filmmakers);
- protecting copyrights, including copyright registration and defending/litigating against infringement;
- contractual or work-for-hire issues when hiring independent contractors or working on a freelance basis;
- navigating and managing the permissions process; and
- finding images or other works that are free of some or all copyright restrictions.

## Conclusion

If you would like to view workshop info and more, please view our Copyright for Creators LibGuide at [guides.library.vcu.edu/copyright-for-creators](http://guides.library.vcu.edu/copyright-for-creators). Our plans



for the future years include holding more focused workshops with hands-on components that cover topics attendees wanted to learn more about. Now that we have built a partnership among our library divisions and the School of the Arts, we would like to escalate our efforts and hold a day-long series of events with a guest speaker from outside of the university who is both an artist and lawyer or has expertise in both areas. The day could include workshops, public lectures, and time spent with students in the classroom. We are also interested in building partnerships with community arts organizations for future events.