

Copyright & Creative Commons Crash Course

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<https://tinyurl.com/cc-fellows-2026>



Related Presentations on Demand

“Predatory” Journals: How to Avoid the Shams and Scams (Fall 2025)

- Slides: <https://tinyurl.com/fake-journals-2025>
- Recording: <https://www.youtube.com/watch?v=KaE6Kgt6bv8>

Copyright and Fair Use for Scholarly Authors (Spring 2025)

- Slides: <https://bit.ly/cuny-copyright-2025>
- Recording: <https://www.youtube.com/watch?v=lzrxU5fnMwM>

Creative Commons Licenses (similar to today; Spring 2025)

- Slides: <https://bit.ly/cuny-cc-2025>
- Recording: <https://www.youtube.com/watch?v=vNUQ2hsFEH0>



I am not a lawyer.



But First...Copyright

According to U.S. Copyright Law, creator(s) of a work (i.e., “original work of authorship fixed in any tangible medium of expression”) have the exclusive rights to do, and to authorize others to do, these things:

1. **reproduce** the work
2. **make derivative works** based on the work
3. **distribute** copies of the work
4. **perform** the work publicly
5. **display** the work publicly



Copyright is
a “bundle of
exclusive rights”



Start ↔ End

When does copyright start?

- Creator(s) automatically own the copyright to their work, as soon as it is “fixed in a tangible medium of expression” (on paper, computer file, etc.).

When does copyright end? Not for a really, really long time!

- For works created in or after 1978: Life of the author + 70 years
- For works created before 1978: It's complicated...

Details at <https://copyright.cornell.edu/publicdomain>



Creators hold these rights for the full term of copyright **unless they transfer their copyright to someone else** (e.g., a publisher).

Section 107. Copyright in General	
107.1. General Principles	107.2. Fair Use
107.3. Copyright in the Public Domain	107.4. Copyright in the Public Domain
107.5. Copyright in the Public Domain	107.6. Copyright in the Public Domain
107.7. Copyright in the Public Domain	107.8. Copyright in the Public Domain
107.9. Copyright in the Public Domain	107.10. Copyright in the Public Domain
107.11. Copyright in the Public Domain	107.12. Copyright in the Public Domain
107.13. Copyright in the Public Domain	107.14. Copyright in the Public Domain
107.15. Copyright in the Public Domain	107.16. Copyright in the Public Domain
107.17. Copyright in the Public Domain	107.18. Copyright in the Public Domain
107.19. Copyright in the Public Domain	107.20. Copyright in the Public Domain
107.21. Copyright in the Public Domain	107.22. Copyright in the Public Domain
107.23. Copyright in the Public Domain	107.24. Copyright in the Public Domain
107.25. Copyright in the Public Domain	107.26. Copyright in the Public Domain
107.27. Copyright in the Public Domain	107.28. Copyright in the Public Domain
107.29. Copyright in the Public Domain	107.30. Copyright in the Public Domain
107.31. Copyright in the Public Domain	107.32. Copyright in the Public Domain
107.33. Copyright in the Public Domain	107.34. Copyright in the Public Domain
107.35. Copyright in the Public Domain	107.36. Copyright in the Public Domain
107.37. Copyright in the Public Domain	107.38. Copyright in the Public Domain
107.39. Copyright in the Public Domain	107.40. Copyright in the Public Domain
107.41. Copyright in the Public Domain	107.42. Copyright in the Public Domain
107.43. Copyright in the Public Domain	107.44. Copyright in the Public Domain
107.45. Copyright in the Public Domain	107.46. Copyright in the Public Domain
107.47. Copyright in the Public Domain	107.48. Copyright in the Public Domain
107.49. Copyright in the Public Domain	107.50. Copyright in the Public Domain
107.51. Copyright in the Public Domain	107.52. Copyright in the Public Domain
107.53. Copyright in the Public Domain	107.54. Copyright in the Public Domain
107.55. Copyright in the Public Domain	107.56. Copyright in the Public Domain
107.57. Copyright in the Public Domain	107.58. Copyright in the Public Domain
107.59. Copyright in the Public Domain	107.60. Copyright in the Public Domain
107.61. Copyright in the Public Domain	107.62. Copyright in the Public Domain
107.63. Copyright in the Public Domain	107.64. Copyright in the Public Domain
107.65. Copyright in the Public Domain	107.66. Copyright in the Public Domain
107.67. Copyright in the Public Domain	107.68. Copyright in the Public Domain
107.69. Copyright in the Public Domain	107.70. Copyright in the Public Domain
107.71. Copyright in the Public Domain	107.72. Copyright in the Public Domain
107.73. Copyright in the Public Domain	107.74. Copyright in the Public Domain
107.75. Copyright in the Public Domain	107.76. Copyright in the Public Domain
107.77. Copyright in the Public Domain	107.78. Copyright in the Public Domain
107.79. Copyright in the Public Domain	107.80. Copyright in the Public Domain
107.81. Copyright in the Public Domain	107.82. Copyright in the Public Domain
107.83. Copyright in the Public Domain	107.84. Copyright in the Public Domain
107.85. Copyright in the Public Domain	107.86. Copyright in the Public Domain
107.87. Copyright in the Public Domain	107.88. Copyright in the Public Domain
107.89. Copyright in the Public Domain	107.90. Copyright in the Public Domain
107.91. Copyright in the Public Domain	107.92. Copyright in the Public Domain
107.93. Copyright in the Public Domain	107.94. Copyright in the Public Domain
107.95. Copyright in the Public Domain	107.96. Copyright in the Public Domain
107.97. Copyright in the Public Domain	107.98. Copyright in the Public Domain
107.99. Copyright in the Public Domain	107.100. Copyright in the Public Domain



Opposite of Copyright: Public Domain

**“Public domain” = the commons of works not protected by copyright.
No restrictions on use. The works belong to the public.**

How do works end up in the public domain?

1. Were copyrighted, and copyright has expired. (As of January 1, 2026, all pre-1931 works are in the public domain.
2. Formalities required at the time (e.g., copyright notice) weren't followed.
3. Not eligible for copyright protection (e.g., facts, ideas, works created by U.S. federal government employees).



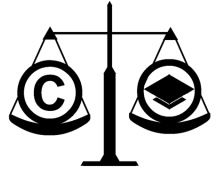
EXTREMELY IMPORTANT AND OFTEN MISUNDERSTOOD:

“Public domain” is **not the same** as
“publicly accessible on the internet.”



Good news: Copyright law
has a lot of carve-outs!

Limitations on Exclusive Rights: Fair Use



One important limitation on the exclusive rights of the copyright holder is “fair use,” which allows everyone to make some use of copyrighted works:

“[T]he fair use of a copyrighted work . . . for purposes such as criticism, comment, news reporting, **teaching** (including multiple copies for classroom use), **scholarship**, or **research**, is not an infringement of copyright.”

Scale images is © 2008 Michael Brewer & ALA Office of Information Technology Policy, licensed under [CC BY-NC-SA 3.0](https://creativecommons.org/licenses/by-nc-sa/3.0/).





Determining Fair Use

“In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

1. the **purpose and character of the use**, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the **nature of the copyrighted work**;
3. the **amount and substantiality of the portion used** in relation to the copyrighted work as a whole; and
4. the **effect of the use** upon the potential market for or value of the copyrighted work.”

(Lots of complexity and nuance here. Get in touch if you have questions!)

Scale images is © 2008 Michael Brewer & ALA Office of Information Technology Policy, licensed under [CC BY-NC-SA 3.0](https://creativecommons.org/licenses/by-nc-sa/3.0/).



Common Fair Uses

- Copying an essay to share with students in a course.
- Quoting a poem in a paper examining the poem.
- Quoting a poem in a commercially published book examining the poem.
- Including a film still in an article analyzing that scene.
- Excerpting a song in a documentary examining the works of that musician.
- Showing artworks from a museum exhibit in a news report about that exhibit.



Is My Desired Use Fair?

Want to use a copyrighted work? Not sure if it would be fair?

There is no simple list of fair uses to consult.

You must think through those four factors every time.

(That's what would happen in court too.)

But you're not totally on your own!

Tools such as this Fair Use Checklist can help:

<https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>





Beyond © Rights & Restrictions: Licenses

Creators can grant **individual people/entities** licenses to do certain things with their works, in response to individual requests or arrangements.

They can also grant **the whole world** a license! How?

- Write a license from scratch (not so easy!)
- Hire a lawyer to write a license (also not so easy!)
- Apply a license that's already been developed





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Most common in OER & scholarly publishing: Creative Commons licenses

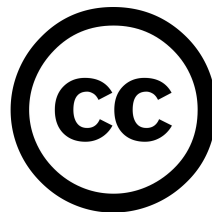
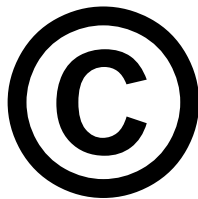


“Alternatives” to Copyright?

Creative Commons licenses are sometimes called “alternatives” to copyright. This isn’t quite right: they’re legal instruments that recognize and respect the legitimacy of copyright law.

They harness the copyright holder’s power to provide the public with more rights than they’d ordinarily have.

Important: Applying a Creative Commons license does not mean “giving up” copyright. Copyright ownership stays with the creator, which typically isn’t the case with traditional publishing.



Creative Commons (CC) Licenses



Decoding CC Licenses



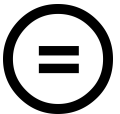
BY (Attribution): Creator must be credited



NC (NonCommercial): Only noncommercial uses permitted



SA (ShareAlike): Adaptations and other derivative works must be shared under the same license as the original



ND (NoDerivatives): No adaptations or other derivative works permitted

SA & ND clauses concern ***derivative works***, aka ***remixes***



Use vs. Derivative Work

What's a USE? Reproducing; excerpting; using an image to illustrate a text; etc.

What's a DERIVATIVE WORK? Adaptation; translation; artwork based on another artwork; OER based on another OER; etc.

Note: Derivative works have their own copyright, covering what's new/original to that work, separate from the copyright of the underlying work, which still exists.



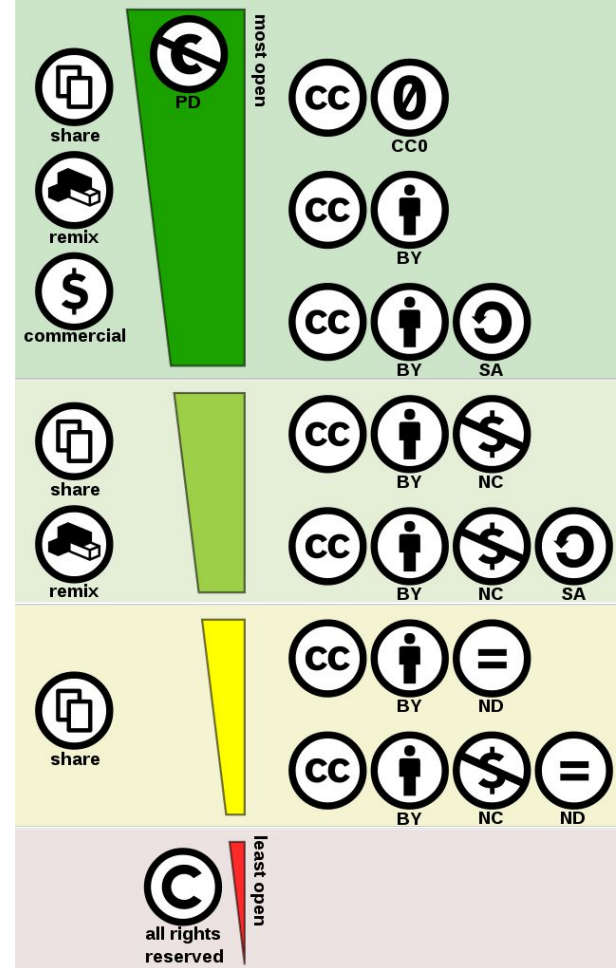
Imagine a film of a choreographic work based on a play, set to music written by a composer and recorded by a pianist. There are separate copyrights for the music composition, the music recording, the play, the choreographic work, and the film. Layers upon layers!



Creative Commons: Spectrum of Openness

“True” OERs can’t have ND licenses because then those works can’t be remixed.

"Creative commons license spectrum" by Shaddim is licensed under CC BY 4.0



Beyond the CC License

Want to...

- make a commercial use of a work with the NC clause?
- make a derivative work from a work with the ND clause?
- use a work with the SA clause and not share it under the same license?

These uses aren't necessarily impossible!
They're just not part of the work's blanket CC license.

In situations like this, you can ask the © holder for permission, if you can find them.
(The © holder may say yes, may say no, may say yes if you pay a licensing fee...)



CC Licensing Your Work

Most scholarly and educational publishers limit authors' copyright/licensing options.
(Indeed, they often require authors to assign copyright to them.)

But you can choose how to license many of your works:

OERs

Writings

Presentations

Photographs

Video

Etc.



Choosing a CC License: Question #1

Keep or waive your interest in the work?

Waive:



Keep:



Choosing a CC License: Questions #2 & #3

Allow others to use your work for commercial purposes?

Allow others
to make
modifications?

	Yes	No
Yes		
Yes, if licensed the same way		
No		



“True” OERs can’t
have ND licenses!



Choosing a CC License: Making It Easy

Creative Commons "Choose A License" Tool:

<http://creativecommons.org/choose/>

Answer a few simple questions,
and get a legal, tailored, fully realized
license to suit your needs/wishes!

Choose a License for Your Work

Follow the steps to select the appropriate license for your work.
This site does not store any information.

1

Do you know which license you need?
☐ Yes
☒ No

2

Require attribution for your work?
☐ Yes
☐ No

3

Allow others to use your work commercially?
☐ Yes
☐ No

4

Allow others to remix, adapt, or build upon your work?
☐ Yes
☐ No

5

Require adaptations of your work to be licensed under the same CC license?
☐ Yes
☐ No

6

Confirm that CC Licensing is appropriate
☐ I own or have authority to license the work.
☐ I have read and understand the terms of the license.
☐ I understand that CC licensing is not revocable.

Waiting for required fields...

Confused? Need Help?

- ▶ What are Creative Commons licenses?
- ▶ How to apply a Creative Commons license
- ▶ What should I consider?
- ▶ What do the icons mean?

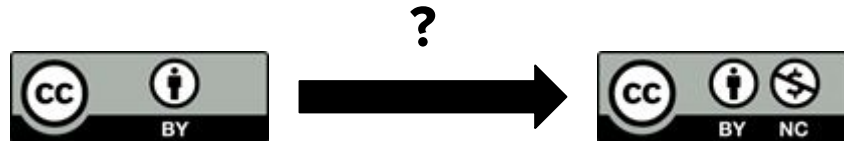


Test Your Knowledge #1

Suppose you create an OER by remixing an existing OER that's shared under a Creative Commons Attribution license (CC BY).

You want to give your resulting OER a Creative Commons Attribution-NonCommercial (CC BY-NC) license.

Is this permitted?



Test Your Knowledge #2

Suppose you create an OER by remixing an existing OER that's shared under a Creative Commons Attribution-ShareAlike license (CC BY-SA).

You want to give your resulting OER a Creative Commons Attribution-NonCommercial (CC BY-NC) license.

Is this permitted?



Test Your Knowledge #3

Suppose you create an OER that reproduces many images: some are CC BY, some are CC BY-NC-ND, and some are CC BY-SA.

You want to give your resulting OER a Creative Commons Attribution (CC BY) license.

Is this permitted?

