Linking, Embedding & Streaming: What’s Legal? What’s Not?

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Context?

• Online
• Educational
• Secured
• Enrolled

Linking

The Basics

• Legal status of URL
  – No one owns it!
• Free – unsecured – web sites
  – Linking = legally permissible
• Secured – often subscription based – sites
  – Link consistent with terms & conditions
  – Library databases
• Do not link if …
  – Posted illegally or likely infringing
**Proceed With Caution**

- Deeplinking
  - Link to page ≠ home page
  - Legal status = uncertain
  - Risk averse?
- Framing
  - View one site from w/ another
  - Imports other site instead of going to it
  - Legal status = uncertain
  - Risk averse?

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**Embedding**

**Embed**

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**Different From Linking**

- Linking
  - Send user to different site
- Embedding
  - Keep user on your site
YouTube

• 1st Question
  – Lawfully posted or likely infringing?
• If likely infringing –
  – Don’t use it!
• If lawfully posted –
  – Link to it – or
  – Embed it if owner posted w/embed option “on”

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Streaming
**Easy Ones**

- Library collection
  - EG – Films on Demand
- “Public performance” rights
- Permission/license
  - EG – Creative Commons or supplements accompanying adopted text
- Public Domain
  - Copyright expired
  - Created by U.S. government

**TEACH Act**

*If TEACH Act compliant …*

- Performances
  - Non-dramatic musical & literary works
  - Other audio-visual works
- Displays
  - Other works

**TEACH Act Examples**

- Non-dramatic musical & literary works
  - Portion allowed: entirety
  - Examples (audio only)
    - Musical recordings
    - Sound recordings of short stories
Easy Ones

- Other audio visual works
  - Portion allowed: “reasonable + limited”
  - Examples (audio + video)
    • Operas, music videos, musicals, films
- Displays
  - Portion allowed: comparable to f2f classroom
  - Examples
    • Charts, graphs, photographs, illustrations

Fair Use

- Purpose or character of use
  - Educational = OK
- Nature of work used
  - Non-fiction vs. fiction
- Portion used
  - Heart of work?
    • Market substitute?
    • Summarizing chapter or segment?
- Impact on market

Fair Use Examples

- Oliver Stone’s 1987 classic “Wall Street”
  - Business ethics class analyzes Gordon Gekko’s “greed is good” motto in relation to the demise of Enron and the incarceration of Jeffrey Skilling
- Nursing Student Skills & Procedures DVD
  - Faculty member receives unsolicited sample
  - Stream complete DVD?
  - Stream 5% of DVD?
Odds and Ends

• Created & sold for student purchase
  – Students must purchase
  – EG – workbooks, dvds, access codes

• Netflix
  – No court cases
  – Netflix disapproves
  – Makes me nervous – and I’m not the nervous type!

We’d like to know what you think!

Here is a link to our evaluation form:
https://www.surveymonkey.com/s/LinkEmbedStream