

## PowerPoint Slides

### **Linking, Embedding & Streaming: What's Legal? What's Not?**

Presented by:  
**Linda Enghagen, J.D.**





### **Presenter Bios:**

Linda Enghagen, J.D., is an attorney and Professor in the Isenberg School of Management at the University of Massachusetts at Amherst. Her scholarly contributions related to intellectual property are directed to the needs of faculty members including two books, *Technology and Higher Education: Approaching the 21st Century* and *Fair Use Guidelines for Educators*.



### **Need tech help?**

Please call our Customer Service department at (800) 433-0499 ext.2 or email them at [support@magnapubs.com](mailto:support@magnapubs.com).

©2014 Magna Publications Inc.

All rights reserved. It is unlawful to duplicate, transfer, or transmit this program in any manner without written consent from Magna Publications.

The information contained in this online seminar is for professional development purposes but does not substitute for legal advice. Specific legal advice should be discussed with a professional attorney.

To make this program available to all your faculty and staff, contact Magna's Customer Service department at 1-800-433-0499 ext. 2 and ask about our Campus Access License.



<http://www>

Embed

**Linking, Embedding  
& Streaming: What's  
Legal? What's Not?**



---

---

---

---

---

---

---

---

**Linda K. Enghagen, JD**

Professor  
Isenberg School of  
Management  
University of Massachusetts



Copyright © 2014 Linda K. Enghagen



2

---

---

---

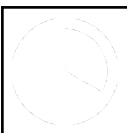
---

---

---


---

---



**Requisite Disclaimer**

The information contained herein is for educational purposes only. It is not a substitute for legal advice nor is it to be construed as the rendering of a legal opinion.



3

---

---

---

---


---

---


---

---

Context?



- Online
- Educational
- Secured
- Enrolled



4

---

---

---

---

---

---

---

---

Linking



5

---

---

---


---

---

---


---

---



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



6

---

---

---



---

---


---

---

---

 **Proceed With Caution** 

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

 7

---

---

---


---

---


---

---

---

**Embedding** 

**Embed**

 8

---

---

---


---



---


---

---

---

**Different From Linking** 

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

 9

---

---

---

---

---



---

---

---

## YouTube

- 1<sup>st</sup> 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"



10

---

---

---

---

---

---



---

---

## YouTube Terms of Service

You also hereby grant each user of the Service a non-exclusive license to access your Content through the Service, and to use, reproduce, distribute, display and perform such Content as permitted through the functionality of the Service and under these Terms of Service.

YouTube Terms of Service: Part 6C



11

---

---

---

---




---

---

---

---

## Streaming



12

---

---

---

---

---

---

---

---



## 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




13

---

---

---


---

---

---

---



---



## TEACH Act

*If* TEACH Act compliant ...

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

14

---

---

---


---

---

---




---

---



## TEACH Act Examples

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

15

---

---

---


---

---


---

---


---



## 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



16

---

---

---


---

---


---

---


---



## 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



17

---

---

---


---

---


---

---


---



## 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?



18

---

---

---

---



---

---


---


---



 **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!



 19

---

---

---


---

---

---


---

---



**We'd like to know what you think!**

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

 20

---

---

---

---

---

---

---

---