

New York University  
**Free Culture & Open Access**

Tu 12:30-4:30 PM, Fall 2020, 4 pts (synchronous via Zoom)  
CINE-GT 1611, CINE-UT 611

**Instructor: Howard Besser** (howard@nyu.edu)

Office Hours: Tu 4:30-6:00 PM, *and by appointment*

(latest syllabus version always at <http://besser.tsoa.nyu.edu/howard/Classes/20free-culture-syllabus.pdf>)

Note: All class sessions will be online in real-time (synchronous) via Zoom.

## Course Description

At the root of "Free Culture" and "Open Access" lies the idea that aesthetic and informational works, once shared with the public, become public resources that should be further shared, built upon, and incorporated into new creative works. This interdisciplinary class examines both ideas from a variety of perspectives: aesthetics, politics, law, and social movements. It pays particular attention to the relationship between these ideas and the rise of new forms of media that allow age-old concepts like "The Commons" to flourish. It also situates these ideas within longstanding practices of scholarship, librarianship, and artistic practice. The class highlights the positive results that can come from seemingly transgressive acts. The course places a focus on contemporary and very recent activities, and will deal extensively with ways in which the 2020 pandemic prompted a loosening of copyright maximalization and a surge in open access activities, particularly to support distance learning environments. The course will also examine closely related ideas and movements such as "Information Wants to be Free", Illegal Art, Culture Jamming, Appropriation, Remix, Tactical Media, Fair Use, Free Software/Open-Source, CopyLeft, and "Access to Knowledge". Prominent public figures will make presentations to the class.

Guests (either in person or online) include: Longstanding artist/prankster Joey Skaggs with filmmaker Judy Drosd, Filmmakers Toni Carey & Nick Palazzo (Reel Heroes), Filmmaker Alan Berliner, PM Press publisher Ramsey Kanaan, and Copyright attorney (and librarian and policy activist) Laura Quilter.

## Assignments/Grading:

All assignments should be posted in the Forum section of NYU Classes and emailed to howard[at]nyu.edu

*Document class sessions (20%)*

Each student will have primary responsibility for documenting one class session, and will also be responsible for adding salient comments to the documentation that other students do on at least two other class sessions. Documentation needs to involve a description of what occurred in class (both in terms of formal presentation, and in discussions), as well as analysis of the meaning and implications of what was said. Other interesting things to add might include links to documents or websites that further understanding of what was said in class, photographic documentation, screen grabs, background on outside speakers or ideas, etc. Each of the primary class session documentations should be sufficiently explicative so that someone not taking the class could look at this and understand much of what we covered in that class session. (Note: you may not get your first or 2<sup>nd</sup> choice of class session to document, as we will be dividing up the sessions among all students enrolled in the class.

**Due date:** the Monday 12 days after the class session

- **Here are the weekly summaries from the 2019 version of this course**  
<https://nyu.box.com/s/rl8as618l8g0xbwsqu9aq19635w7z7ke>
- **And here are summaries from the 2014 version of this course**  
<https://drive.google.com/folderview?id=0B9ahsfOLN5DISUttYkZlQkhoX2c&usp=sharing>

### ***Develop and Maintain a Topical Website (Group Project) (20%)***

As a group of approximately 3 students, choose one of the class sub-topics (Illegal Art, Culture Jamming, Appropriation, Remix, Fair Use, Free /Open-Source Software, CopyLeft, and "Access to Knowledge", etc.). Develop a website that includes: definition of the topic, history, examples, prominent people and/or events, citations or links to important written works/websites/organizations/court cases. This website is for the outside world to see, but should also include references to how we have handled this sub-topic within the class. Your group will also need to make a presentation on your topic to the entire class (oral presentation with visual aids). For a summary and links to the topical websites developed for the 2019 class see the PDF titled "2019-11-13-group by Lefan Lin.pdf" in <https://nyu.box.com/s/rl8as618l8g0xbwsqu9aq19635w7z7ke>.

You can also find examples of similar group projects for classes that Howard has taught in the early days of the WorldWide Web at

- <http://besser.tsoa.nyu.edu/impact/f96/Focus/>
- <http://besser.tsoa.nyu.edu/impact/f94/> (under the names of the Focus Groups)
- <http://besser.tsoa.nyu.edu/impact/w95/HTML/discussmain.html>
- <http://besser.tsoa.nyu.edu/impact/s97/> (the 3 under "Focus Groups")
- <http://besser.tsoa.nyu.edu/impact/w96/> (Student working groups (latest pre-release version))

**First Review:** Oct 13

**Final Due date:** Nov 17 (present in class)

### ***Final Class Project (40%)***

A substantive, in-depth, individual research project, or an essay and documentation on something stemming from issues covered in the course. The topic of your final

project must be approved by the Instructor. Examples from final papers from 2019 version of this class are at <https://nyu.box.com/s/2i0m2fgc1rec28zjc9q6o02zjx8thdds>

**Topic and Scope must be approved by Instructor before:** Oct 20

**Due date:** Dec 8

**Class Participation (20%)**

Attend all meetings of the course. Participate actively in all discussions

## Required & Recommended Readings/Viewings

Several of these books are available for free download under one of the Creative Commons Licenses. In the spirit of support for Free Culture and The Commons, please purchase at least one of the freely available required books either directly from the author/publisher, from an independent bookstore, or through bookshop.org (giving credit to an independent bookstore).

**Books Absolutely Required:**

Bollier, David. (2008) **Viral Spiral: How the Commoners Built a Digital Republic of**

**Their Own**, New York: New Press (<http://www.viralspiral.cc/>)

([http://barcelonacomuns.pbworks.com/f/Viral+Spiral\\_How+the+Commoners+Built+a+Digital+Republic+of+Their+Own+%5Bdavid+bollier%5D.pdf](http://barcelonacomuns.pbworks.com/f/Viral+Spiral_How+the+Commoners+Built+a+Digital+Republic+of+Their+Own+%5Bdavid+bollier%5D.pdf))

Lessig, Lawrence. (2005) **Free Culture: The Nature and Future of Creativity**, New York: Penguin (<http://www.free-culture.cc/>)

Suber, Peter. (2012) Open Access, Cambridge MA: MIT Press

(<http://mitpress.mit.edu/books/open-access>)

**Recommended Readings:**

Aufderheide, Patricia and Peter Jaszi. (2018) **Reclaiming Fair Use: How to Put Balance Back in Copyright**, Chicago: University of Chicago Press

Benkler, Yochai. (2007) **The Wealth of Networks: How Social Production Transforms Markets and Freedom**, New Haven: Yale University Press

Bollier, David. (2014) **Think Like A Commoner : A Short Introduction to the life of the Commons**, New York: New Society (<http://www.thinklikeacommoner.com/>)

Bollier, David. (2005) **Brand Name Bullies: The Quest to Own and Control Culture**, New York: John Wiley & Sons

(<http://www.bollier.org/brand-name-bullies-quest-own-and-control-culture>)

Bollier, David and Silke Helfrich. (2018) **Free, Fair, and Alive: The Insurgent Power of the Commons**, New Society Publishers

Boyle, James. (2010) **The Public Domain: Enclosing the Commons of the Mind**, New Haven: Yale (<http://thepublicdomain.org/thepublicdomain1.pdf>)

Brennan, Ian. (2019). **Silenced by Sound: The Music Meritocracy Myth**, Berkeley: PM Press

- Decherney, Peter, (2012) **Hollywood's Copyright Wars: From Edison to the Internet**, New York: Columbia University Press
- Johns, Adrian (2009). **Piracy: The Intellectual Property Wars from Gutenberg to Gates**, Chicago: University of Chicago Press
- Krikorian, Gaëlle. (2010) **Access to Knowledge in the Age of Intellectual Property**, MIT Press
- McLeod, Kembrew and Rudolf Kuenzli. (2011) **Cutting Across Media: Appropriation Art, Interventionist Collage, and Copyright Law**, Duke University Press
- McLeod, Kembrew. (2007) **Freedom of Expression: Resistance and Repression in the Age of Intellectual Property**, Minneapolis: Univ of MN Press
- McLeod, Kembrew. (2014) **Pranksters Making Mischief in the Modern World**, New York: NYU Press
- Op den Kamp, Claudy (2018). **The Greatest Films Never Seen: The Film Archive and the Copyright Smokescreen**, Amsterdam: Eye Filmmuseum
- Op den Kamp, Claudy and Dan Hunter (2019). **A History of Intellectual Property in 50 Objects**, Cambridge: Cambridge University Press
- Lessig, Lawrence. (2008) **Remix: Making Art and Commerce Thrive in the Hybrid Economy**, New York: Penguin
- Lessig, Lawrence. (2001) **The Future of Ideas: The Fate of the Commons in a Connected World**, New York: Random House
- Skladany, Martin. (2018) **Big Copyright Versus the People: How Major Content Providers Are Destroying Creativity and How to Stop Them**, Cambridge University Press
- Vaidhyanathan, Siva. (2017) **Intellectual Property A Very Short Introduction**, Oxford University Press  
[\(https://global.oup.com/academic/product/intellectual-property-a-very-short-introduction-9780195372779?cc=gb&lang=en&\)](https://global.oup.com/academic/product/intellectual-property-a-very-short-introduction-9780195372779?cc=gb&lang=en&)
- Vaidhyanathan, Siva. (2001) **Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity**, New York: NYU Press
- Vaidhyanathan, Siva. (2016) **Antisocial Media: How Facebook Disconnects Us and Undermines Democracy**, New York: Oxford University Press (\$18)

#### **Required or Recommended Viewings:**

- Spooky, DJ (2007) **Rebirth of a Nation** (<http://www.rebirthofanation.com/>) (100 min)  
 Chicago showing (<https://www.youtube.com/watch?v=qQNp-VHAueE>)
- McLeod, Kembrew (2009) **Copyright Criminals** (54 min) *via Kanopy*
- Smith, Jeremy and McLeod, Kembrew (2007) **Freedom of Expression: Resistance & Repression in the Age of Intellectual Property** (60 min) *via Kanopy*
- Picker, Miguel (2002) **Mickey Mouse Monopoly** (52 min) *via Kanopy*
- Earp, Jeremy & Jhally, Sut (2010) **This Land is Our Land: The Fight to Reclaim the Commons** (46 min) [formerly David Bollier's **Silent Theft**] *via Kanopy*
- Baldwin, Craig.(1999) **Spectres of the Spectrum** (94 min)
- Knappenberger, Brian (2012) **We Are Legion** (93 min) *via Film Platform*

Carson, Diane and Johnson, Robert (2016) **Other Peoples Footage: Copyright and Fair Use** (75 min) *via Kanopy*

Marini, Andrea. (2017). **Art of the Prank** (86 min) *via Kanopy*  
<https://nyu.kanopy.com/video/art-prank>

“*NYU Classes*” – This online resource will host some of the course documents. Access NYU Classes with a valid NYU Net ID and password through the NYU Classes list at NYUHome (<https://home.nyu.edu>). Help is at ITS Client Services (212) 998-3333, or through the NYU Classes Help page (<http://www.nyu.edu/its/classes/>). Most of the readings that are not available on the open Web are available in the "Resources" section of our NYU Classes site. **Note:** The list of required readings is always on your syllabus. The syllabus should be your guide to what you need to do, and sometimes the links on the syllabus are to the latest versions of readings (where the NYU Classes site contains older versions). There are many readings on the NYU Classes site that are only recommended (not necessarily required).

**Note:** Some readings (ie those in the "Restricted" directory on Howard's website) may only be available if you have authenticated through the NYU domain. If you are using another ISP, you must either run a proxy server (<https://library.nyu.edu/services/computing/off-campus/>) or be on campus to access these documents. Please make sure you keep copies for yourself when any electronic versions are required reading. Keep them handy for marking, reviewing.

## Viewings

You need to watch a number of Moving Image works as part of your assignments. Many of these are available for free streaming to anyone on the web. Others are available to NYU students (after authentication) on Kanopy, AVON, Swank Digital Campus, or another streaming service that the library subscribes to. You will get further instructions about where to find these later in the semester.

(In normal times: *Sita Sings the Blues*, *Sonic Outlaws*, *Spectres of the Spectrum*, *We Are Legion*, *Freedom of Expression*, *Copyright Criminals*, and *OutFoxed* are all available on DVD in both the Bobst Library's Avery Fisher Center (AFC) (<http://library.nyu.edu/afc/>) and the Cinema Studies George Amberg Memorial Study Center (<https://library.nyu.edu/services/borrowing/nyu/videos/>)

## Other Interesting and Important Sources of Information which you should be familiar with

- The Internet Archive's Aaron Swartz Collection (<https://archive.org/details/aaronsw>)
- Demand Progress (<http://www.demandprogress.org/>)
- Creative Commons (<http://us.creativecommons.org/>)

- Public Knowledge (<http://publicknowledge.org/>)
- Electronic Frontier Foundation (<https://www.eff.org/>)
- SPARC--Scholarly Publishing and Academic Resources Coalition (<http://www.sparc.arl.org/>)
- Digital Library Of The Commons Repository (<http://dlc.dlib.indiana.edu/dlc/>)
- David Bollier: News and Perspectives on the Commons (<http://www.bollier.org/>)
- Free Software Foundation (<http://www.fsf.org/>) incorporates the GNU Project (<http://www.gnu.org/>), including *What is CopyLeft* (<http://www.gnu.org/copyleft/>) and *Free Software* (<http://www.gnu.org/philosophy/free-sw.html>)
- Question Copyright (<http://questioncopyright.org/>)
- Public.Resource.Org (<https://public.resource.org/>)
- Stay Free Magazine (<http://www.stayfreemagazine.org/archives>) Use archive.org WayBack Machine
- Kembrew McLeod's website (<http://kembrew.com/>)
- Boing Boing (<http://boingboing.net/>)
- Negativland, *Fair Use: The Story of the Letter U and the Numeral 2*, 1995 ([http://www.negativland.com/news/?page\\_id=20](http://www.negativland.com/news/?page_id=20))
- Tactical Media Files (<http://www.tacticalmediafiles.net/articles/about>)
- Joey Skaggs' Art of the Prank Blog (<https://artoftheprank.com/>)

## Course Objectives

**Objectives:** After completing the course you should be able to ...

- understand the importance of Free Culture and Open Access;
- recognize and explain key concepts covered in class, including: The Commons, Information Wants to be Free, Illegal Art, Culture Jamming, Appropriation, Detournement, Remix, Tactical Media, Piracy, Fair Use, First Sale, Public Domain, Creative Commons, Free/Open-Source Software, CopyLeft, and Access to Knowledge;
- be aware of the various organizations involved in these issues;
- participate in open discourse and public discussions about these topics; and
- become involved in public policy debates about these topics.
- You will also acquire substantial understanding in the role that Open Access plays during a pandemic, and in difficulties posed by the current video distribution system.

## Week by Week

### Sep 8 Introduction to class

In class:

- Acknowledgement of today's Scholar Strike #ScholarStrike for racial justice (<https://academeblog.org/2020/09/02/scholar-strike/>)

- Walk-through of syllabus/course-outline, dealing with bad links, NYU Classes, delivery speed via Zoom, ...
  - Assignments are listed on the week that they are **due**, so at the end of each class session, look at the beginning of the next class date on the syllabus
  - We're still negotiating dates with 2 speakers
- Why are Free Culture and Open Access tied together?
- Pandemic-related issues/examples we'll be focusing on later in semester
  - Hathi Trust Emergency Temporary Access Service (<https://www.hathitrust.org/ETAS-Description>)
  - Internet Archive's National Emergency Library (<http://blog.archive.org/2020/03/24/announcing-a-national-emergency-library-to-provide-digitized-books-to-students-and-the-public/>)
  - University DVD collections can't be used in distance-learning environments, so how can university video collection managers, librarians, and instructors cope with screenings?
- Other recent issues/examples we'll be focusing on later in semester
  - E-book lending
    - Why Angry Librarians Are Going to War With Publishers Over E-Books: Inside an appropriately quiet revolt, Slate, Sep 11, 2019 (<https://slate.com/business/2019/09/e-book-library-publisher-buying-controversy-petition.html>)
  - The Academic Journal publishing model & the book publishing model
    - MacKenzie Smith. University of California's break with the biggest academic publisher could shake up scholarly publishing for good, The Conversation, March 7, 2019 (<http://theconversation.com/university-of-californias-break-with-the-biggest-academic-publisher-could-shake-up-scholarly-publishing-for-good-112941>)
    - UC faculty to Elsevier: Restart negotiations, or else (<https://news.berkeley.edu/2019/08/07/uc-faculty-to-elsevier-restart-negotiations-or-else/>)
- Border Wall project by Architecture/Design professors Ronald Rael (Berkeley) and Virginia San Fratello (San Jose State)
  - Artists installed seesaws at the border so kids in the US and Mexico could play together, CNN, July 30, 2019 (<https://www.cnn.com/2019/07/30/us/seesaws-border-wall-us-mexico-trnd/index.html>)
  - No, There Are No Longer Seesaws At The U.S.-Mexico Border, Forbes online, July 30, 2019 (<https://www.forbes.com/sites/heatherleighton/2019/07/30/teeter-totter-seesaws-at-the-us-mexico-border/#4a46e83d7032>)

- Trailer for Brian Knappenberger’s “The Internet’s Own Boy”  
<http://aaronswartzthedocumentary.com/> -- Any problems with video quality?
  - *The Internet’s Own Boy: Film on Aaron Swartz Captures Late Activist’s Struggle for Online Freedom, Democracy Now!* segment, Jan 21, 2014  
[http://www.democracynow.org/2014/1/21/the\\_internets\\_own\\_boy\\_film\\_on](http://www.democracynow.org/2014/1/21/the_internets_own_boy_film_on)
  - Any problems with video quality?
- Examples from film/media creators world
  - American University, Center for Media and Social Impact, Small selection of Remix Videos  
<http://www.youtube.com/watch?v=BO1Esrqxvlg>
  - American University, Center for Social Media (2004) *Stories Untold: Creative Costs of Clearance Culture* (8 min)  
<http://www.youtube.com/watch?v=aHX5DTjOn4I>
- Why an artist believes in Free Content—Nina Paley’s website ([http://questioncopyright.org/understanding\\_free\\_content](http://questioncopyright.org/understanding_free_content))
- Downloaded (trailer): Brief history of Napster ([https://www.youtube.com/watch?time\\_continue=2&v=Ic\\_1VuDzUU0](https://www.youtube.com/watch?time_continue=2&v=Ic_1VuDzUU0))
- YouTomb (<http://youtomb.mit.edu/>)
- **Gimme the Mermaid** 1995 (Negativland) on YouTube (<https://www.youtube.com/watch?v=g9yjGiTQvGQ>)
- Dumb Ways to Die
  - Original © 2012 Metro Trains Melbourne, *Dumb Ways to Die*<sup>TM</sup> (<http://www.youtube.com/watch?v=IJNR2EpS0jw>)
  - *Dumb Movie Ways to Die*, Movie Maniacs, 2013 (<http://www.youtube.com/watch?v=6vqAa95EplE>)
  - *Dumb Ways to Die in Rio*, 2013 (<http://www.youtube.com/watch?v=OVOQU041u6Q&sns=em>)
  - *Conversation on problems with video quality?*
- Concepts of Open Access
  - *White House Announces New Open Access Policy*, Nature, Feb 22, 2013  
<http://blogs.nature.com/news/2013/02/us-white-house-announces-open-access-policy.html>
  - White House Memo from OSTP Director John Holdren on Increasing Access to Federally Funded Research  
<https://obamawhitehouse.archives.gov/blog/2013/02/22/expanding-public-access-results-federally-funded-research>
- Yosemite settles trademark dispute — Ahwahnee, other historical names to return, SF Chronicle, July 15, 2019 (<https://www.sfchronicle.com/science/article/Yosemite-settles-trademark-dispute-Ahwahnee-14097050.php>)
- Why have © issues become more contentious in the past 2 decades?



- Economics—The “substitution” effect
- Review of the Syllabus (different course numbers, important websites, assignments, where to find readings and films, office hours, etc.)
- News
  - The Two Men Buying Your Favorite Retailers, NY Times, Sept 8, 2020  
(<https://www.nytimes.com/2020/09/08/business/retail-bankruptcy-authentic-brands.html>), paragraphs 3-5
  - Trump campaign sues Democratic super PAC over ad criticizing coronavirus response, The Hill, June 24, 2020  
(<https://thehill.com/homenews/campaign/504368-trump-campaign-sue-s-democratic-super-pac-over-ad-criticism-coronavirus>) "This is the ad the Trump campaign is suing us over. It already has 17 million views on twitter. I bet that goes up today." Josh Schwerin on Twitter  
(<https://twitter.com/JoshSchwerin/status/1275875034687516674>)  
Originally on Priorities USA  
(<https://twitter.com/prioritiesUSA/status/1242193904553865216>)
  - She Was Selling Honey to Survive. Then Mel Gibson Threatened to Sue, New York Times, Aug 17, 2020  
(<https://www.nytimes.com/2020/08/17/world/americas/honey-mel-gibson-chile.html>)
  - Apple Files Lawsuit Against Startup Company Over Fruit Logo, International Business Times, Aug 11, 2020  
(<https://www.ibtimes.com/apple-files-lawsuit-against-startup-company-over-fruit-logo-3026327>)

## Sep 15 Free Culture

Read before class:

- Lessig’s **Free Culture**, Preface, Introduction, & section on Piracy (through p 79)
- Suber’s **Open Access**, Introductory Material and chapter on What is Open Access (through p 27)
- Barlow, John Perry (1993) **The Economy of Ideas: A framework for patents and copyrights in the Digital Age. (Everything you know about intellectual property is wrong.)**, Wired Magazine 2.03  
[http://www.wired.com/wired/archive/2.03/economy.ideas\\_pr.html](http://www.wired.com/wired/archive/2.03/economy.ideas_pr.html)
- Wikipedia article on the Budapest Initiative  
[http://en.wikipedia.org/wiki/Budapest\\_Open\\_Access\\_Initiative](http://en.wikipedia.org/wiki/Budapest_Open_Access_Initiative)
- Wikipedia article on "Information Wants to be Free"  
[http://en.wikipedia.org/wiki/Information\\_wants\\_to\\_be\\_free](http://en.wikipedia.org/wiki/Information_wants_to_be_free)
- Washington’s I.T. Guy: One Man’s quest to liberate all government information -- with or without the government’s help, American Prospect, June 13, 2010  
(<http://prospect.org/article/washingtons-it-guy-0>)
- Food for thought: is an unauthorised photo of your restaurant meal an IP breach?, LegalWeek.com, Feb 18, 2014  
(<https://www.law.com/legal-week/sites/legalweek/2014/02/18/food-for-thought-is-an-unauthorised-photo-of-your-restaurant-meal-an-ip-breach/>)

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In class:

- Based on the readings and discussions thusfar, What is Free Culture? What is Open Access?
- Introduction to Copyright Issues  
(<http://besser.tsoa.nyu.edu/howard/Talks/11soima-copyright.pdf>)
- Getty Publications provides open access to their backlist publications and images (<http://www.getty.edu/about/whatwedo/opencontentfaq.html>) so Howard can finally get a PDF of his 2003 book (<http://www.getty.edu/publications/virtuallibrary/0892367334.html>), but not the 1995 version
- *Don't Copy That Floppy*, Software Publishing Assn, 1992, 10 min  
(<http://www.youtube.com/watch?v=up863eQKGUI>)
  - *Know Your Meme* (background)  
(<http://knowyourmeme.com/memes/dont-copy-that-floppy>)
  - Cory Doctorow, *Don't Copy That Floppy sequel promises prison beatings for copying*, Boing Boing, 2009  
(<http://boingboing.net/2009/07/06/dont-copy-that-flopp-1.html>)
  - *Don't Copy That War Game*, Barely Dead Productions  
(<http://www.youtube.com/watch?v=jHSgEAOj4AM>)
- Karl Fogel, New York University Confuses Filesharing with Plagiarism, 2007  
([http://questioncopyright.org/nyu\\_note\\_on\\_illegal\\_downloading](http://questioncopyright.org/nyu_note_on_illegal_downloading))
- Jennifer Granick, Cyber Rights Now: 'Scotty, Beam Down the Lawyers!', Wired Magazine, Oct 1997  
(<http://www.wired.com/politics/law/news/1997/10/7564>)
- Political Satire—Devin Nunez' cow
  - Devin Nunez' Cow Gains Half a Million Followers  
([https://www.youtube.com/watch?v=oOXzHH5v\\_zs](https://www.youtube.com/watch?v=oOXzHH5v_zs))
  - Mocking Devin's Cow  
([https://www.youtube.com/watch?time\\_continue=140&v=2SwL6fKWNZ8&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=140&v=2SwL6fKWNZ8&feature=emb_logo))
  - Devin Nunes Can't Sue Twitter Over Cow and Mom Parodies, Judge Says, New York Times, June 25, 2020  
(<https://www.nytimes.com/2020/06/25/us/politics/devin-nunes-cow-tweets.html>)
- News

## Sep 22 Intellectual Property: History & Concepts, & Information Commons/sharing

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Bottom of Form

**Last-minute added reading:** Passenger Pigeon Manifesto (<https://ppmanifesto.hcommons.org/>) and Wikipedia on Rick Prelinger ([https://en.wikipedia.org/wiki/Rick\\_Prelinger](https://en.wikipedia.org/wiki/Rick_Prelinger))

Read before class:

- Bollier's **Viral Spiral**, Introductory material and Harbingers of the Sharing Economy (through p 89)
- Lessig's **Free Culture**, section on Property (p 81-173)
- Peter Decherney's review of Lessig's Free Culture in *The Moving Image* 2.2 (2005) 167-169 ([http://muse.jhu.edu/journals/the\\_moving\\_image/v005/5.2decherney.html](http://muse.jhu.edu/journals/the_moving_image/v005/5.2decherney.html))
- Howard Besser, **Commodification of Culture Harms Creators**, Chicago: American Library Association, 2002 (<http://www.ala.org/offices/oitp/publications/infocommons0204/besser>)
- Howard Besser, *The Next Digital Divides*, Teaching to Change LA 1:2, 2001 (<http://tcla.gseis.ucla.edu/divide/politics/besser.html>)
- Decherney, Peter, (2007), *Copyright dupes: piracy and new media in Edison v. Lubin (1903)*, **Film History: An International Journal** 19.2, 109-124 ([http://muse.jhu.edu/journals/film\\_history/v019/19.2decherney.html](http://muse.jhu.edu/journals/film_history/v019/19.2decherney.html))
- 
- Mike Masnick, *Copyright Week: Our Lost Culture: What We Lose From Having Killed The Public Domain*, TechDirt, Jan 14, 2014 (<http://www.techdirt.com/articles/20140114/10565225874/copyright-week-our-lost-culture-what-we-lose-having-killed-public-domain.shtml>)
- Laura J. Murray, *Just Another Word for Nothing Left to Lose?: Public Domains and Intellectual Property Law*, *American Quarterly*, Volume 55, Number 4, December 2003, pp. 739-748
- Silke Helfrich, *Recent Landmarks in the Growing Commons Movement*, Jan 17, 2014 (<http://commonsblog.wordpress.com/2014/01/17/recent-landmarks-in-the-growing-commons-movement/>)
- Mark Hosler, *Some Thoughts for Congress about Creativity and Copyright* ([http://www.negativeand.com/news/?page\\_id=87](http://www.negativeand.com/news/?page_id=87))
- Martha Buskirk, *Commodification as Censor: Copyrights and Fair Use*, October, Vol. 60 (Spring, 1992), pp. 82-109, (<http://www.jstor.org/stable/779036>)

In class:

- Discussion over length of Zoom time, breaks, other options...
- Documentation of each class (<https://nyu.box.com/s/r18as618l8g0xbwsqu9aq19635w7z7ke>)—choose weeks
- Continuation of slides from last week (16/20)
- Critical Archival Theory definition (<http://besser.tsoa.nyu.edu/howard/Classes/Critical-Archival-Theory-definition.html>)
- 2 PM—Guest Rick Prelinger
- Discussion on Readings
- Early film intellectual property history (Decherney)

- What is The Commons?
- Fair Use
  - Quick examples of: fair use, limitations, commenting, illustration, incidental use, mash-ups, etc. Best Practices Guides: American University, Center for Social Media, **Remix Culture: Fair Use is Your Friend** (5 min)  
<http://www.youtube.com/watch?v=alKh7IMEAoE>
  - American University, Center for Social Media (2006) *Fair Use and Free Speech* (7 min) (particularly about documentary filmmakers)  
<http://www.youtube.com/watch?list=PLA405179A4A8ADBA7&v=GY-2YshuJ8o>
- OutFoxed & Fair Use (<https://www.youtube.com/watch?v=P74oHhU5MDk>) 10:40-17:35
- First Sale
  - The Death Of Ownership: Educational Publishing Giant Pearson To Do Away With Print Textbooks (That Can Be Resold), Techdirt, July 16, 2019  
(<https://www.techdirt.com/articles/20190716/17335842600/death-ownership-educational-publishing-giant-pearson-to-do-away-with-print-textbooks-that-can-be-resold.shtml?op=sharethis>)
- Public Domain
  - <http://www.publicdomainsherpa.com/public-domain-sound-recordings.html>
- Term Extensions
- View Eric Faden's "A Fair(y) Use Tale" (10 min)  
<http://cyberlaw.stanford.edu/blog/2007/03/fairy-use-tale>
- "Fair & Balanced"
  - Fox vs Franken 2003 [http://en.wikipedia.org/wiki/Fox\\_v.\\_Franken](http://en.wikipedia.org/wiki/Fox_v._Franken)
  - Excerpts from Robert Greenwald (2004) **Outfoxed: Rupert Murdoch's War on Journalism**
- Pro-Arts Gallery (Oakland) Newsletter on Commons  
(<https://proartsgallery.org/commoning/newsletter/>)--read Newsletter II section on Commons, and all of Newsletter III (Sept 2019)
- Watch Trailer for Reel Heroes (<https://www.reelheroesfilm.com/>)
- Discussion of Group Projects (see [Assignment section](#) and <http://besser.tsoa.nyu.edu/howard/Classes/14free-culture-grp-technology.html>)
- Next week is UNESCO International Day for Universal Access to Information (IDUAI) (<https://en.unesco.org/commemorations/accesstoinformationday>)

## News

- PM Press Sells Ebooks to Internet Archive: "We want our books to be in every library", Internet Archive Blog, Sept 21, 2020  
(<http://blog.archive.org/2020/09/21/pm-press-sells-ebooks-to-internet-archive-we-want-our-books-to-be-in-every-library/>)

- ALA, Macmillan, & E-Books
  - Tell Macmillan Publisher CEO John Sargent that you demand #eBooksforAll (<https://p2a.co/fgcQkzV>)

## Sep 29 Creating & Preserving Film & Media Works butts up against Copyright Laws

Before class read/view:

- For Scholars
  - Society for Cinema and Media Studies (2008) **Statement of Best Practices in Fair Use in Teaching for Film and Media Educators**, Cinema Studies Journal 47:2, Winter  
[http://c.ymcdn.com/sites/www.cmstudies.org/resource/resmgr/files/scms\\_teaching\\_statement\\_-\\_20.pdf](http://c.ymcdn.com/sites/www.cmstudies.org/resource/resmgr/files/scms_teaching_statement_-_20.pdf)
  - Society for Cinema and Media Studies' Statement of Fair Use Best Practices for Media Studies Publishing  
<https://c.ymcdn.com/sites/cmstudies.site-ym.com/resource/resmgr/docs/scmsbestpractices4fairuseinp.pdf>
  - <https://drive.google.com/?tab=mo&authuser=0#folders/0B3lheS5Z65a4WHJaNWpGWG5IeTA>
  - <http://www.davidbordwell.net/blog/2008/04/23/fair-is-still-fair-and-more-so/>
  - <http://www.davidbordwell.net/blog/2013/10/30/our-new-e-book-on-christopher-nolan/>
  - <https://indiancine.ma/BXG/editor/B>
- **Documentary Filmmakers' Statement of Best Practices in Fair Use** (Nov 2005)  
<http://www.cmsimpact.org/fair-use/best-practices/documentary-filmmakers-statement-best-practices-fair-use>
- American University (June 2008) **Code of Best Practices in Fair Use for Online Video**  
<http://www.cmsimpact.org/fair-use/related-materials/codes/code-best-practices-fair-use-online-video>
- American University, Center for Social Media (2004) *Stories Untold: Creative Costs of Clearance Culture*  
<http://www.cmsimpact.org/fair-use/best-practices/documentary/untold-stories-creative-consequences-rights-clearance-culture>
- Kembrew McLeod, *How Copyright Law Changed Hip Hop: An interview with Public Enemy's Chuck D and Hank Shocklee*, Stay Free Magazine, Issue 20 ([http://www.stayfreemagazine.org/archives/20/public\\_enemy.html](http://www.stayfreemagazine.org/archives/20/public_enemy.html))
- Joe Fassler, *How Copyright Law Hurts Music, From Chuck D to Girl Talk: A Conversation with Kembrew McLeod*, The Atlantic, April 12, 2011 (<http://www.theatlantic.com/entertainment/archive/2011/04/how-copyright-law-hurts-music-from-chuck-d-to-girl-talk/236975/>)
- Negativland, *Two Relationships to a Cultural Public Domain*, 2005 ([http://www.negativland.com/news/wp-content/uploads/text/negativland-two-relationships\\_essay.pdf](http://www.negativland.com/news/wp-content/uploads/text/negativland-two-relationships_essay.pdf))

- Review the website for UNESCO International Day for Universal Access to Information (IDUAI)  
(<https://en.unesco.org/commemorations/accesstoinformationday>)

#### In Class

- Class today is only 3 hours (to see if that better keeps student attention)
- Confirmation of *Document class sessions* assignment
- Catch-up
  - Continuation of slides from last week (28)
  - Discussion of Topical Website Assignment (topics, groups including a webmaster, etc.)
  - What is the Commons
  - Fair Use (from last week)
  - Past news articles, videos
- Fair Use for Cinema Scholars & Documentary Filmmakers
- Influence of © Laws on Preservation
  - Migration/Emulation
  - Underlying Rights
- WIPO and international issues and implications
- News
  - Early Works by Edward Hopper Found to be Copies of Other Artists, NY Times, Sep 28, 2020  
(<https://www.nytimes.com/2020/09/28/arts/design/edward-hopper-copies-paintings.html>)
  - Led Zeppelin copyright case heard this week last year
    - Heated court battle over Led Zeppelin's 'Stairway to Heaven', NBC Nightly News, Sep 23, 2019  
(<https://www.nbcnews.com/nightly-news/video/heated-court-battle-over-led-zeppelin-s-stairway-to-heaven-69699141754>)
    - Original or Copied? 'Stairway to Heaven' Is Back in Court, NY Times, Sep 22, 2019  
(<https://www.nytimes.com/2019/09/22/business/media/stairway-to-heaven-copyright-appeal.html>)
    - Justices Reinstate Copyright Lawsuit Over 'Raging Bull', NY Times, Mar 20, 2014  
(<https://www.nytimes.com/2014/05/20/us/politics/justices-reinstate-copyright-suit-against-raging-bull-owners.html>)

## Oct 6 More on Creativity Challenges, Appropriation Art

[summary by Qian Li]

Read/watch before class:

- Baldwin, Craig. (1995) **Sonic Outlaws**, 87 min  
(<https://archive.org/details/dom-25571-sonicoutlaws>)
- Bollier's **Viral Spiral**, The Rise of Free Culture-partial (pp 91-144)
- Spend half an hour looking reviewing Joey Skaggs' Art of the Prank Blog in preparation for his visit 2 weeks from now (<https://artoftheprank.com/>)
- Nina Paley's *Sita Sings the Blues*

- *Sita Sings the Blues FAQ*, section on “Copyright and Distribution” (<http://www.sitasingstheblues.com/faq.html>)
- *How Copyright Restrictions Suppress Art: An Interview With Nina Paley About "Sita Sings The Blues"*, Question Copyright, 2008 ([http://questioncopyright.org/nina\\_paley\\_sita\\_interview](http://questioncopyright.org/nina_paley_sita_interview))
- *The Sita Sings the Blues Distribution Project*, Question Copyright, 2009 ([http://questioncopyright.org/sita\\_distribution\\_project](http://questioncopyright.org/sita_distribution_project))
- Mike Masnick, *Why Sita Sings The Blues Is Perfectly Legal In Germany, But You Still Can't Watch It On YouTube*, TechDirt, July 14, 2011 (<http://www.techdirt.com/articles/20110714/00141315084/why-sita-sings-blues-is-perfectly-legal-germany-you-still-cant-watch-it-youtube.shtml>)
- Sita Sings the Copyright Blues, CBC News, March 17, 2009 (<http://www.cbc.ca/news/business/sita-sings-the-copyright-blues-1.840387>)
- Sita Sings the Blues, Wikipedia entry: *Copyright Problems* section, and *Unorthodox Distribution* section ([http://en.wikipedia.org/wiki/Sita\\_Sings\\_the\\_Blues#Copyright\\_problems](http://en.wikipedia.org/wiki/Sita_Sings_the_Blues#Copyright_problems))
- Ant Farm. (1976) *The Eternal Frame* ([http://www.ubu.com/film/ant\\_farm\\_eternal.html](http://www.ubu.com/film/ant_farm_eternal.html))
  - Plus discussion of *Eternal Frame* as appropriation (<http://vimeo.com/53734504>)
- Pussy Riot
- Yes Men!
  - Bhopal Disaster - BBC - The Yes Men, Dec 3, 2005 (<http://www.youtube.com/watch?v=LiWlvBro9eI>)
  - World Trade Organization (<http://theyesmen.org/hijinks/wto>)
- Dery, Mark (1993), **Culture Jamming: Hacking, Slashing and Sniping in the Empire of Signs**, Open Magazine Pamphlet Series ([http://project.cyberpunk.ru/idb/culture\\_jamming.html](http://project.cyberpunk.ru/idb/culture_jamming.html))
- Aaron Peters, *The Communication Commons: resisting the recuperation of the internet by capital*, May 25, 2011 (<http://www.opendemocracy.net/ourkingdom/aaron-peters/communication-commons-resisting-recuperation-of-internet-by-capital>)
- Joy Garnett and Susan Meiselas, *On the Rights of Molotov Man, Appropriation and the Art of Context*, Harpers Magazine, Feb 2007

#### In class:

- Class today will be 4 hours with 2 breaks
- Discussion of Negativland and of Craig Baldwin
  - U2 (EP) ([https://en.wikipedia.org/wiki/U2\\_\(EP\)](https://en.wikipedia.org/wiki/U2_(EP)))
- Wikipedia article for SuperStar: The Karen Carpenter Story ([https://en.wikipedia.org/wiki/Superstar:\\_The\\_Karen\\_Carpenter\\_Story](https://en.wikipedia.org/wiki/Superstar:_The_Karen_Carpenter_Story))
- Lukas Hilderbrand (2004), *Grainy Days and Mondays: Superstar and Bootleg Aesthetics*, Camera Obscura (<https://muse.jhu.edu/article/176561>)
- We'll watch 22 minutes of *Sita Sings the Blues*, Nina Paley, 82 min ([http://ia600301.us.archive.org/2/items/Sita\\_Sings\\_the\\_Blues/Sita\\_Sings\\_the\\_Blues\\_1080p.mp4](http://ia600301.us.archive.org/2/items/Sita_Sings_the_Blues/Sita_Sings_the_Blues_1080p.mp4))
  - Discussion of the film
  - Discussion of © issues ([https://en.wikipedia.org/wiki/Sita\\_Sings\\_the\\_Blues#Copyright\\_problems](https://en.wikipedia.org/wiki/Sita_Sings_the_Blues#Copyright_problems))
- Discussion on The Commons
- Appropriation
  - *Prince v. Cariou* (2d Circuit 2013)

- Sex Pistols rock posters (District Court)
- Green Day videos (District Court)
- Situationist concepts of *Recuperation* ([http://en.wikipedia.org/wiki/Recuperation\\_%28politics%29](http://en.wikipedia.org/wiki/Recuperation_%28politics%29)) and *Détournement* (<http://en.wikipedia.org/wiki/D%C3%A9tournement>)
- Exxon Hates Your Children (<http://exxonhatesyourchildren.com/>)

## Oct 13 More on Free Culture: Innovation, Creative Commons, An Information Commons; Introduction to Open Access [summary by Craig Rusert]

Read/Watch before class:

- Lessig's **Free Culture**, sections on Puzzles Balances, Conclusion, Afterward, etc. (pp 175-end)
- Bollier's **Viral Spiral**, The Rise of Free Culture-partial (pp 145-225)
- Wikipedia entries on Creative Commons ([http://en.wikipedia.org/wiki/Creative\\_Commons](http://en.wikipedia.org/wiki/Creative_Commons)) and on Creative Commons License ([http://en.wikipedia.org/wiki/Creative\\_Commons\\_license](http://en.wikipedia.org/wiki/Creative_Commons_license))
- Ernesto Priego, *The Right to Open Access to Humanities and Social Science Research*, London School of Economics, Impact of Social Sciences initiative, 2013 (<http://blogs.lse.ac.uk/impactofsocialsciences/2013/08/23/right-to-open-access-priego/>) (originally published on **ORG Zine: the Digital Rights magazine** on August 7, 2013)
- Felsenstein, Lee (1993) **The Commons of Information**, Dr Dobbs Journal, May (<http://besser.tsoa.nyu.edu/impact/s94/speakers/felsenstein/felsenstein-article.html>)
- Tasini, Jonathan. (2002) **Creators and the Information Commons**, Chicago: American Library Association (<http://www.ala.org/offices/oitp/publications/infocommons0204/tasini>)
- Bollier, David. (2002) **Why We Must Talk About The Information Commons**, Chicago: American Library Association (<http://www.ala.org/offices/oitp/publications/infocommons0204/brollier>)
- American Library Association Information Commons Working Group. (2001) **To Support the Information Commons: Principles for an Effective Information Commons**, Chicago: American Library Association (<http://www.ala.org/offices/oitp/publications/infocommons0204/icwg>)

In class:

- Update on each Group Project
- IASA and JTS Conferences, particularly issues of Re-Use and Copyright
  - Slides on Video Re-Use and Tracking (file *JTS Conference-Video Re-Use Slides* in Resources section of NYU Classes)
  - European History Re-Loaded: Curation and Appropriation of European Digital Heritage (<https://www.cadeah.eu/>)
  - Vaporwave
    - East German Laborwave (<https://www.youtube.com/watch?v=dun7Ra1sLJM>)
    - Leningrad in Love ([https://www.youtube.com/watch?v=bn2YF\\_gvCfE](https://www.youtube.com/watch?v=bn2YF_gvCfE))
- Free Software history, GPL Licenses, Free vs Open Source
- Free Culture's relationship to innovation



- Playlists
- History of the Commons (general Commons; not Info Commons)
  - What is The Commons
  - Why is it important?
  - Enclosure and privatization; decentralization vs centralization
  - Today's physical Commons
- The Info Commons
  - One-way vs 2-way communication
  - History (Felsenstein & HBCC; BBS/Newsgroups, Community Memory 1973-5, 1977, 1984-1994)
    - Hackers and hippies: The origins of social networking, BBC, 2011 (<http://www.bbc.co.uk/news/technology-1222458>)
  - Why is it important to Creators?
  - Re-Mix, Sampling, & examples
- Creative Commons—why needed, & relation to © laws (& default of restriction)
  - Creative Commons and Copyright Reform (<http://creativecommons.org/about/reform>)
  - Supporting Copyright Reform, Oct 16, 2013 (<http://creativecommons.org/weblog/entry/39639>)
- Innovative and Transformative examples—Dealing with racist imagery
  - Excerpts from DJ Spooky's Rebirth of A Nation (<http://www.moma.org/visit/calendar/films/967>) and (<https://www.youtube.com/watch?v=kekndjJW3O4>)
  - Put Gone With the Wind and Song of the South in the public domain, Chicago Tribune commentary, June 17, 2020 (<https://www.chicagotribune.com/entertainment/movies/ct-ent-should-studios-give-up-copyrights-problematic-films-0621-20200617-zqv7im5jmzcnrksvysboz22nrm-story.html>)

## Oct 20 Free Culture “Pranks” with guests Joey Skaggs & Judy Drosd [summary by Yudan Li]

**By class time email Howard 1 paragraph description of your final paper/project**

Read or watch before class this Joey Skaggs material:

- **Watch Art of the Prank** (<https://nyu.kanopy.com/product/art-prank>)
- Watch the first 2 of Joey's oral histories on Vimeo (links and password are in the file skaggs-oral-histories in NYU Classes) [8-14 min]
- 2 short added readings:
  - 'Pataphysics on Wikipedia (<https://en.wikipedia.org/wiki/%27Pataphysics>)
  - The Great Magician by René Daumal (<https://joeyskaggs.com/wp-content/uploads/2020/10/The-Great-Magician.pdf>)
- Again review Joey Skaggs' Art of the Prank Blog (<https://artoftheprank.com/>) and info about the film (<https://www.artoftheprank-themovie.com/>)

- Hoaxes without end: An Interview with Joey Skaggs, by Paul Maliszewski (<https://joeyskaggs.com/wp-content/uploads/2013/12/McSweeneysInterview.2002.pdf>)
- Joey Skaggs Interview, by Joe Crisafi (<https://joeyskaggs.com/wp-content/uploads/2013/12/Crisafi-Skaggs-Interview-final.2011.pdf>)
- The Art of the Con, by Joey Skaggs, Extra!, March/April 1999 (<https://joeyskaggs.com/wp-content/uploads/2013/12/Extra.ArtoftheCon.1999.pdf>)
- **On Joey's website** (<https://joeyskaggs.com/>)
  - **under "About Joey" read his bio and Manifesto**
  - **then spend at least 1 hour looking over other parts of the website**

In class:

- **Joey & Judy presentation and discussion**
- This is Open Access Week. Look over the week's website (<http://www.openaccessweek.org/>)

## Oct 27 Open Access in an era of Pandemics + guest Ramsey Kanaan (PM Press publisher) [summary by Julia contorno]

Read/Watch before class:

- Read Bollier's **Viral Spiral**, A Viral Spiral of New Commons, Conclusion (pp 227-end)
- Suber's **Open Access**, remainder of book (p 29 through end)
- Read about COVID-era Online Access to Books
  - Worldwide movement for library response to Pandemic (spend at least a few minutes looking through each of these international documents)
    - Public Statement: Fair Use & Emergency Remote Teaching & Research, March 13, 2020 (<https://docs.google.com/document/d/10baTITJbFRh7D6dHVvVfGfGP2zqaMvm0EHHZYf2cBRk/mobilebasic>)
    - Statement on the Global COVID-19 Pandemic and Its Impact on Library Services and Resources, International Coalition of Library Consortia, March 13, 2020 (<https://icolc.net/statement/statement-global-covid-19-pandemic-and-its-impact-library-services-and-resources>)
    - Fair-Dealing and Emergency Remote Teaching in Canada, Sam Trosow, March 21, 2020 (<https://samtrosow.wordpress.com/2020/03/21/fair-dealing-and-emergency-remote-teaching-in-canada/>)
    - CARL Statement on Optimal Equitable Access to Post-Secondary Learning Resources During COVID-19, Canadian Association of Research Libraries, March 2020 (<https://www.carl-abrc.ca/news/statement-on-optimal-equitable-access-to-learning-resources/>)
    - Jisc and Universities UK call for publishers to reduce their fees to maintain access to essential teaching and learning materials, JISC (<https://www.jisc.ac.uk/news/jisc-and-universities-uk-call-for-publishers-to-reduce-their-fees-to-maintain-access-to-essential-teaching-and-learning-materials-17-jun-2020>)

- Hathi Trust Emergency Temporary Access Service (<https://www.hathitrust.org/ETAS-Description>)
- PM Press Sells Ebooks to Internet Archive: “We want our books to be in every library”, Internet Archive blog, Sep 21, 2020 (<http://blog.archive.org/2020/09/21/pm-press-sells-ebooks-to-internet-archive-we-want-our-books-to-be-in-every-library/>)
- Internet Archive’s National Emergency Library—“Controlled Digital Lending” (<http://blog.archive.org/2020/03/24/announcing-a-national-emergency-library-to-provide-digitized-books-to-students-and-the-public/>) spend at least a few minutes on each of the blogs/articles below
  - Statement on Controlled Digital Lending by Libraries | Controlled Digital Lending by Libraries (<https://controldigitalending.org/statement>)
  - Open Library: A Tool for Student Equity during our Digital Fall Semester - Internet Archive Blogs (<http://blog.archive.org/2020/07/09/open-library-a-tool-for-student-equity-during-our-digital-fall-semester/>)
  - Libraries Ensure That Our Future Is Connected and Informed. Let’s Help Them Keep It That Way. | Public Knowledge : Public Knowledge (<https://www.publicknowledge.org/blog/libraries-ensure-that-our-future-is-connected-and-informed-lets-help-them-keep-it-that-way/>)
  - Libraries Are Updating for Today’s Digital Needs. Congress Needs to Clear the Way. | Public Knowledge : Public Knowledge (<https://www.publicknowledge.org/blog/libraries-are-updating-for-todays-digital-needs-congress-needs-to-clear-the-way/>)
  - Tell Congress to Let Libraries Fight Back (<https://actnow.io/7opL7dh>)
  - Reopening Schools Safely: Planning for Our Digital Fall Semester - Internet Archive Blogs (<http://blog.archive.org/2020/07/07/reopening-schools-safely-planning-for-our-digital-fall-semester/>)
  - July 10 Kahle To Tillis : Brewster Kahle : Free Download, Borrow, and Streaming : Internet Archive (<https://archive.org/details/july-10-kahle-to-tillis/mode/1up>)
  - July 10 Kahle To Tillis : Brewster Kahle : Free Download, Borrow, and Streaming : Internet Archive (<https://archive.org/details/july-10-kahle-to-tillis/mode/2up>)
  - Libraries have been bringing older books to digital learners: Four publishers sue to stop it, Internet Archive Blog, July 22, 2020 (<http://blog.archive.org/2020/07/22/libraries-have-been-bringing-older-books-to-digital-learners-four-publishers-sue-to-stop-it/>)
  - Internet Archive Defends Library Digitize-and-Lend Model, Authors Alliance, July 29, 2020 (<https://www.authorsalliance.org/2020/07/29/internet-archive-defends-library-digitize-and-lend-model/>)
  - Libraries lend books, and must continue to lend books: Internet Archive responds to publishers’ lawsuit, Internet Archive Blog, July 29, 2020 (<http://blog.archive.org/2020/07/29/internet-archive-responds-to-publishers-lawsuit/>)



- How emergence of digital distribution causes power-jockeying (licensing replaces sales, refusal to sell/license e-books, self-destruction, etc.)
- International issues and the COVID emergency
  - Issues of “Controlled Digital Lending” (both Hathi Trust and Internet Archive flavors)
- Intro to PM (<https://www.pmpress.org/index.php>)
- 1PM: Discussion with Ramsey (his publishing history; PM statistics; controlled digital lending; e-book non-encryption; other innovative models: diversification beyond books, [Friends/subscription](#), pre-sponsoring books, [grab-bag of books](#), ...)
- BREAK
- Film distribution issues for academic instruction
  - Difficulty of finding a distributor who has rights for academic market
  - Many films not on any digital streaming service; many not even in digital form
  - Prohibitive costs
  - Wave of independent producers trying to help with distant instruction
- Open Access Week at NYU: Celebrating Open-Access Research (<https://guides.nyu.edu/blog/Open-Access-Week-at-NYU-Celebrating-Open-Access-Research>)
- Continued discussion on Joey Skaggs; Discussion on Culture Jamming & Technology
- Discussion and feedback on group website *projects (presentations due Nov 17)*
- Discussion on Viral Spiral
- Music used by political campaigns without permission
  - 22 artists who have spoken out against President Trump playing their music at his events, Insider, Oct 26, 2020 (<https://www.insider.com/artists-who-dont-want-trump-using-their-music-2018-11>)
  - The Village People on Donald Trump Using Their Music, SNL Weekend Update, Oct 24, 2020 (<https://www.youtube.com/watch?v=vLk-dxZyp1Q>)
- NYU’s Video At Risk--on commercially-distributed VHS tapes (<http://besser.tsoa.nyu.edu/howard/Talks/12cni-var.pdf>)
- *News Articles*
  - *Fix, or Toss? The ‘Right to Repair’ Movement Gains Ground, NY Times, Oct 23, 2020* (<https://www.nytimes.com/2020/10/23/climate/right-to-repair.html>)--planned obsolescence, license restrictions, 1201 anti-circumvention
  - *Copyright Law Restrictions on a Consumer’s Right to Repair Cars and Tractors, Congressional Research Service Report Legal Sidebar, Sep 18, 2015* (<https://fas.org/sgp/crs/misc/repair.pdf>)
  - *How Award-Winning Filmmakers Make Dangerous Documentaries That No Major Distributor Will Touch, IndieWire, Oct 23, 2020* (<https://www.indiewire.com/2020/10/award-winning-dangerous-documentaries-assassins-the-dissident-1234594718/>)

## Nov 3 Open Access in larger context & in the Academic and Library World (1 of 2) [summary by Fengyi Guo]

Before class read/view (read at least a few paragraphs from each of the article and websites):

- Nathan J Robinson, *The Truth is Paywalled But the Lies Are Free: The Political Economy of Bullshit*, Current Affairs, August 2, 2020 (<https://www.currentaffairs.org/2020/08/the-truth-is-paywalled-but-the-lies-are-free/>)
- Eric Kansa, *It's the Neoliberalism, Stupid: Why instrumentalist arguments for Open Access, Open Data, and Open Science are not enough*, London School of Economics, Impact of Social Sciences initiative, 2014 (<http://blogs.lse.ac.uk/impactofsocialsciences/2014/01/27/its-the-neoliberalism-stupid-kansa/>)
- History of the formation of Public Library of Science (<http://www.plos.org/about/plos/history/>)
- Background and text of the Budapest Open Access Initiative (2001) (<http://www.budapestopenaccessinitiative.org/>)
- Association of Research Libraries, Scholarly Publishing and Academic Resources Coalition (SPARC), *About Us* (<http://sparc.arl.org/about>) and *Issues* (<http://sparc.arl.org/issues>)
- Association of Research Libraries, Scholarly Publishing and Academic Resources Coalition (SPARC), *Open Access* (<http://sparc.arl.org/issues/open-access>) and *Why Open Access* (<http://www.sparc.arl.org/resources/open-access/why-oa>)
- American Library Association, *Fair Use and Electronic Reserves* (<http://www.ala.org/advocacy/copyright/fairuse/fairuseandelectronicreserves>)
- OpenGLAM—European Commission Initiative for openness for Galleries, Libraries, & Museums in order to create a Commons (<https://openglam.org/>)
- E-Books
  - American Library Association, Office of Information Technology Policy E-book Task Force, *Frequently Asked E-book Questions from Public Librarians* (2011) ([http://www.ala.org/offices/sites/ala.org.offices/files/content/oitp/e-book\\_faq.pdf](http://www.ala.org/offices/sites/ala.org.offices/files/content/oitp/e-book_faq.pdf))
  - Digital Book World, *Beyond the Headlines: E-books in Libraries of the Future* (2013) (<http://www.digitalbookworld.com/2013/beyond-the-headlines-e-books-in-libraries-of-the-future/>)
  - Forbes Magazine, *What's New With Libraries And Ebooks? In Conversation With The American Library* (2013) (<http://www.forbes.com/sites/jeremygreenfield/2013/10/03/whats-new-with-libraries-and-ebooks-in-conversation-with-the-american-library-association/>)
- California Laws on Open Educational Resources (OER), California SB 1052 and SB 1053
  - *California passes groundbreaking open textbook legislation* (2012) (<http://creativecommons.org/weblog/entry/34288>)
  - The Atlantic, *California Takes a Big Step Forward: Free, Digital, Open-Source Textbooks* (2012) (<http://www.theatlantic.com/technology/archive/2012/09/california-takes-a-big-step-forward-free-digital-open-source-textbooks/263047/>)
- Rob Kitchin, *Four critiques of open data initiatives*, London School of Economics, Impact of Social Sciences initiative, 2013 (<http://blogs.lse.ac.uk/impactofsocialsciences/2013/11/27/four-critiques-of-open-data-initiatives/>)
- Look over these cases
  - The publisher litigations against E-reserves
    - Cambridge UP, Oxford UP, & Sage v. Georgia State University (USA)

- Access Canada v. York University (Canada); Israel (recently settled); New Zealand
- Cambridge UP/Oxford UP/T&F v. Delhi University (India).
- [Note: While they are in some cases publishers, the publishers were recruited as plaintiffs by CCC here in the US; I don't know but imagine something similar in India. Access Canada is Canada's equivalent of CCC. ]
- Publisher litigations against new textbook models
  - Boundless here in the US
  - Zookal textbook rental in Australia
  - *Wiley v. Kirtsaeng* (2013).
- Publishers against authors: Elsevier takedowns.
  - Brian Resnick and Julia Belluz. The war to free science: How librarians, pirates, and funders are liberating the world's academic research from paywalls, Vox, July 10, 2019 (<https://www.vox.com/the-highlight/2019/6/3/18271538/open-access-elsevier-california-sci-hub-academic-paywalls>)
  - UC faculty to Elsevier: Restart negotiations, or else (<https://news.berkeley.edu/2019/08/07/uc-faculty-to-elsevier-restart-negotiations-or-else/>)

#### In class:

- Leftovers from last week
- The traditional academic publishing model
- How do these things fit together?: Copyright, Creative Commons, Open Access
- Creative Commons
  - Wikimedia Foundation: What is Creative Commons? (video <https://www.youtube.com/watch?v=dPZTh2NKtm4&=>)
  - Jesse Dylan. A Shared Culture (video) <https://creativecommons.org/about/videos/a-shared-culture/>
  - Creative Commons Copyright Explained by Attorney Steve Vondran (video) (<https://www.vondranlegal.com/what-is-the-cc0-creative-commons-license/>)
  - Creative Commons Explanatory videos <https://creativecommons.org/about/videos/>
- Open Access
  - SHB Online. What is Open Access (video) <https://www.youtube.com/watch?v=Ne8kTJO-fEM>
  - Creative Commons. Open Access: Open access literature is digital, online, free of charge, and free of most copyright and licensing restrictions (video and text) <https://creativecommons.org/about/program-areas/open-access/>

- Faculty & Open Access—University of California Open Access Policy (video) <https://guides.library.ucsc.edu/openaccess>
- Green vs Gold Open Access
- The broken Academic Publishing model & impact on libraries
  - Brian Resnick and Julia Belluz. The war to free science: How librarians, pirates, and funders are liberating the world's academic research from paywalls, Vox, July 10, 2019 (<https://www.vox.com/the-highlight/2019/6/3/18271538/open-access-eelsevier-california-sci-hub-academic-paywalls>)
  - Update on open access and academic journal contracts: a presentation to the UC Board of Regents' Academic and Student Affairs Committee (video) (<https://osc.universityofcalifornia.edu/2019/07/update-on-open-access-and-academic-journal-contracts/>)
- Approaches: Repositories (Green) & Open Access Journals (Gold)
- SPARC
- The Budapest Initiative 2002, 2012, & future (<http://www.budapestopenaccessinitiative.org/>)
- PLoS
- Government funding for scientific research and the move first to Open Access then to
  - Mandates from NSF, NIH, Wellcome, etc. lead to Open Data and data preservation, data curation, and knowledge management culminating in Feb 2013 White House mandate (<https://petitions.whitehouse.gov/response/increasing-public-access-research>),
- An implementation example -- The Great Wave: what Hokusai's masterpiece tells us about museums, copyright and online collections today (<https://medium.com/open-glam/the-great-wave-what-hokusais-masterpiece-tells-us-about-museums-copyright-and-online-da0f25bd4ed2>)
- Critique of Open Data (Kansa, Kitchin)
- Electronic Reserves
- The Digital Paradox: How Copyright Laws Keep E-Books Locked Up, Spiegel Online, Mar 28, 2014 (<http://www.spiegel.de/international/zeitgeist/how-copyright-laws-prevent-easy-sharing-of-e-books-a-961333.html>)
- E-Books
- Catch-up from previous weeks (Negativland, articles, etc.)
- Suber's Open Access
- Open Content Alliance (<http://www.opencontentalliance.org/>) vs Google Books

#### News

- GitHub took down popular YouTube downloader — so devs made more copies, The Next Web, Oct 27, 2020



(<https://thenextweb.com/dd/2020/10/27/github-took-down-youtube-dl-so-devs-made-more-co-pies/>)

- Copyright warning from Swank Digital Pictures (likely prompted by Studios): Legal Academic Streaming (<https://www.swank.com/k-12-streaming/copyright/>) 2020
- A chat with Peter Linebaugh (Author of *Stop, Thief!: The Commons, Enclosures, and Resistance*), Oct 18, 2020 (<https://www.youtube.com/watch?v=AcBcQ6-oh4A>)
- YouTube Creator Lindsay Ellis Receives a Universal Music Copyright Claim, Loses Her Audible Sponsorship, Digital Music News, Oct 19, 2020 (<https://www.digitalmusicnews.com/2019/10/30/lindsay-ellis-umg-battle/>)

## Nov 10 Open Access in the Academic and Library World (2

of 2) (Guest: Laura Quilter) [summary by Daniel Moore]

Complete the readings assigned for the Nov 6 class. In addition,

Before class read/view:

- Yale University, Information Society Project Initiatives, Access to Knowledge (<http://www.yaleisp.org/access-knowledge>)
- Open Knowledge Foundation (<http://okfn.org/>)
- Jeff Lilburn, Commercial Social Media and the Erosion of the Commons: Implications for Academic Libraries, Libraries and the Academy, Volume 12, Number 2, April 2012, pp. 139-153
- Cushla Kapitzke, Rethinking Copyrights for the Library through Creative Commons Licensing, Library Trends, Volume 58, Number 1, Summer 2009, pp. 95-108

In class:

- Discussion with guest Laura Quilter
- The Fuher is Furious-remix of Downfall (<https://vimeo.com/475568986?fbclid=IwAR0tEIEFltV-3EEuwSE9tHWeb4nOodQe49BPcaBuripcGoOtQ1kqil4yJv4>)
- Global equity issues
  - WIPO Development Agenda
  - A2K--The Access to Knowledge Movement
  - Copy South: Issues of Copyright in the Global South (<http://copysouth.org/portal/node/1>)
    - "An Alternative Primer on National and International Copyright Law in the Global South" (summary at [http://questioncopyright.org/copysouth\\_primer](http://questioncopyright.org/copysouth_primer))
  - Open Access for Africa (<https://umb.libguides.com/OAA>)
  - Balancing Traditional Cultural Expression (TCE)
- Open Access and Standards—Adam Hyde at Books & Browsers 2014 *video* (<https://quod.lib.umich.edu/jjep/3336451.0018.117?view=text:rgn=main>)
- WIPO passage of an accessibility exception in copyright law
  - Marrakesh VIP Treaty 2013 ([https://en.wikipedia.org/wiki/Marrakesh\\_VIP\\_Treaty](https://en.wikipedia.org/wiki/Marrakesh_VIP_Treaty)) – US didn't join until 2019
- Some older News Articles

- Years After a Bitter Fight, Prince and Warner Bros. Make a New Deal, NY Times, April 18, 2014  
(<http://artsbeat.blogs.nytimes.com/2014/04/18/years-after-a-bitter-fight-prince-and-warner-brothers-make-a-new-deal/>)
- Joe Nocera, Greed and the Wright Brothers, NY Times Op-Ed, April 19, 2004  
(<http://www.nytimes.com/2014/04/19/opinion/nocera-greed-and-the-wright-brothers.html>)

## Nov 17 Copyright Impact on Filmmakers (with Guest Alan Berliner); More Culture Jamming & Technology [summary by Zhangyuxuan(Alex) Qiao]

### Before class read/view:

- Watch at least one film by Alan Berliner
- Look over [www.alanberliner.com](http://www.alanberliner.com), including bio, resume, etc.
- read Philip Lopate's [American Family Life Wittily Revealed](#), *New York Times*, Jan. 12, 1997
- Read works specifically about Berliner's Letter to the Editor
  - TIFF's review of Berliner's Letter to the Editor  
(<https://tiff.net/events/letter-to-the-editor>)
  - Brooklyn Daily Eagle's review of Letter to the Editor  
(<https://brooklyneagle.com/articles/2019/09/16/alan-berliner-letter-editor-hbo/>)
  - Filmmaker Magazine's 2019 interview with Alan Berliner  
(<https://filmmakermagazine.com/108227-it-was-a-project-that-then-became-an-obsession-director-alain-berliner-on-the-decades-spanning-journey-behind-his-tiff-premiering-doc-letter-to-the-editor/>)
  - POV Magazine's short review of Letter to the Editor  
(<http://povmagazine.com/articles/view/tiff-review-letter-to-the-editor>)

### In class

- Discussion with Alan Berliner (collecting as part of his creative process; his NY Times clipping history; the concept of Letter to the Editor; making the film, aims, etc.; thoughts about photographers; festival reception; legal & distribution challenges; how he feels about it; are the challenges now part of the film's context?)
- *Courtesy of Laura Quilter:*
  - Newly Passed Right-to-Repair Law Will Fundamentally Change Tesla Repair, *Vice*, Nov 10 2020  
(<https://www.vice.com/en/article/93wy8v/newly-passed-right-to-repair-law-will-fundamentally-change-tesla-repair>)
  - Wind Done Gone/GWTW case: Suntrust Bank v. Houghton Mifflin, 2001 (<https://caselaw.findlaw.com/us-11th-circuit/1332488.html>)
  - Public Statement of Library Copyright Specialists: Fair Use & Emergency Remote Teaching & Research  
(<https://tinyurl.com/tvnty3a>)
  - Google LLC v. Oracle America Inc.  
(<https://www.scotusblog.com/case-files/cases/google-llc-v-oracle-america-inc/>)

- US Copyright Law Teach Act  
(<https://www.law.cornell.edu/uscode/text/17/110>)
- New Jersey Film Festival: Joey Skaggs: Satire and Art Activism 1960s to the Present and Beyond  
(<https://watch.eventive.org/newjerseyfilmfestival2020/play/5faa91d9cbe29a0a49aefc78>)
- *News*: Proposal to install spyware in university libraries to protect copyrights shocks academics, Coda, Nov 13, 2020  
(<https://www.codastory.com/authoritarian-tech/spyware-in-libraries/>)
- UK's Centre for Intellectual Property Policy and Management (CIPPM) launches EnDOW Community "Enhancing access to 20th Century cultural heritage through Distributed Orphan Works clearance"
  - Original EnDOW project  
(<https://diligentsearch.eu/the-endow-project-2014-2018/>)
  - CIPPM & intro to UK © law  
(<https://microsites.bournemouth.ac.uk/cippm/>)
  - The EnDOW Community  
(<https://diligentsearch.eu/endow-community-unlocking-orphan-films/>)
  - Webinar: Introducing the EnDOW Community, Wed 18 Nov UK time  
(<https://diligentsearch.eu/live-webinar-introducing-the-endow-community/>)
- The Next Register Of Copyrights Must Realize That Copyright Serves The Public, TechDirt, Sept 4, 2020  
(<https://www.techdirt.com/articles/20200903/21371045247/next-register-copyrights-must-realize-that-copyright-serves-public.shtml>)
- Tisch Film Production online screening of Phil Kaufman film retrospective
- Videos to watch in preparation for next weeks guests
  - I'm Allowed to Rob You!-Larkin Rose  
([https://www.youtube.com/watch?v=ngpsJKQR\\_ZE&t=38s](https://www.youtube.com/watch?v=ngpsJKQR_ZE&t=38s))
  - Jury Nullification basics in under 6 minutes  
(<https://www.youtube.com/watch?v=dYVCZsI89AA&t=122s>)
  - Copyright is Brain Damage-Nina Paley, 18min  
(<https://www.youtube.com/watch?v=XO9FKQAxWZc&t=507s>)

**\*Nov 24 Heroes of Free Culture & Open Access (Guests Toni Carey & Nick Palazzo previewing their film Reel Heroes) [summary by Ryan Lakin]**

Before class read/watch:

- Brian Knappenberger (2014) **The Internet's Own Boy** (105 min) *NYU Library's Film Platform*  
(<https://www.filmplatform-net.proxy.library.nyu.edu/product/the-internets-own-boy/>)
- Re-watch Trailer for Reel Heroes (<https://www.reelheroesfilm.com/>)
- Aaron Swartz—some of his background & history

- Aaron Swartz, *Guerilla Open Access Manifesto* (2008) ([http://archive.org/stream/GuerillaOpenAccessManifesto/Goamjuly2008\\_djvu.txt](http://archive.org/stream/GuerillaOpenAccessManifesto/Goamjuly2008_djvu.txt))
- Cory Doctorow, Boing Boing, *Global Game Jam asks developers to use the public domain, in Aaron Swartz's honor*, Jan 28, 2014 (<http://boingboing.net/2014/01/28/global-game-jam-asks-developer.html>)
- Taryn Simon and Aaron Swartz's *Image Atlas*, New Museum, 2012 (<http://www.newmuseum.org/exhibitions/view/taryn-simon-cultural-differences>)
- Aaron Swartz, *Who Writes Wikipedia?*, 2006 (<http://www.aaronsw.com/weblog/whowriteswikipedia>)
- Negativland
  - Gimme the Mermaid ([http://www.youtube.com/watch?v=a7EqYVPEq\\_c](http://www.youtube.com/watch?v=a7EqYVPEq_c))
  - No Business (<http://www.youtube.com/watch?v=3nNI5ZsbXgk&index=2&list=PLD4F9763B9639CC6A>)
  - Negativland's Process ([http://www.youtube.com/watch?v=T\\_X8hVNTS-I&list=PLD4F9763B9639CC6A](http://www.youtube.com/watch?v=T_X8hVNTS-I&list=PLD4F9763B9639CC6A))
- Craig Baldwin
  - Zryd, Michael. "Found Footage Film as Discursive Metahistory: Craig Baldwin's Tribulation 99." *The Moving Image*. Vol. 3 No. 2, (Fall 2003): 40-61
  - Cox, David. **Spectres of the Spectrum: A Culture Jammer's Cinematic Call to Action** (<http://www.sniggle.net/Manifesti/notes.php>)
- Carl Malamud's work
  - Tim O'Reilley, What is Gov 2.0 Webcast, 2010 (<http://www.youtube.com/watch?v=evTtXTrzP8U#t=204>) 1<sup>st</sup> 3 min
  - US House of Representatives, Committee on House Administration, Hearing on Smithsonian Institution Business Ventures, Testimony of Carl Malamud (<https://public.resource.org/smithsonian.html>)
  - Malamud seeks to unlock Smithsonian archives, Santa Rosa Press Democrat, August 11, 2011 (<http://www.pressdemocrat.com/article/20110811/business/110819897>)
  - Digitizing government videos and posting them on Internet Archive, NTIS joint venture (<https://public.resource.org/ntis.gov/index.html>)
- Watch at least the formal talk before questions (43 min): Cory Doctorow, New American Foundation lecture (2010), **How Copyright Threatens Democracy** (95 min; 43 min without questions) <http://www.youtube.com/watch?v=bwheX8XAztM>

In class:

- Guests & clips
- **Presentation of Group project websites (approx. 15 minutes each)**
- News/recent
  - Coda article from last week
  - Taylor Swift Denounces Scooter Braun as Her Catalog Is Sold Again, NY Times, Nov 16, 2020 (<https://www.nytimes.com/2020/11/16/arts/music/taylor-swift-scooter-braun-masters.html>)
  - Marano v. Metro. Museum of Art, July 13, 2020 (<https://www.copyright.gov/fair-use/summaries/marano-metromuseumofart-sdny2020.pdf>)

**Dec 1 Pushing Back Against Copyright Maximalism: Efforts within the System, Piracy, and Hacktivism** [summary by Clara Cuccaro]

## Before class watch:

- Kembrew McCleod & Jeremy Smith (2007) **Freedom of Expression: Resistance & Repression in the Age of Intellectual Property**, Media Education Foundation (60 min) *NYU Library Kanopy*
- Brian Knappenberger (2012) **We Are Legion** (93 min) *NYU Library Film Platform*

## Before class read:

- Within the System
  - The Music Industry
    - Courtney Love Does the Math, Salon, 2000  
([http://www.salon.com/2000/06/14/love\\_7/](http://www.salon.com/2000/06/14/love_7/))
    - WNYC's On the Media, *Facing the (Free) Music*, 2009  
(<http://www.onthemedial.org/story/132704-facing-the-free-music/>) 13 min audio recording
    - Pr for David Meerman Scott's *Marketing Lessons from the Grateful Dead* (<http://www.davidmeermanscott.com/books/marketing-lessons-from-the-grateful-dead/> )
    - Future of Music Coalition, *New Business Models ...and how musicians, labels and songwriters are compensated* (<https://futureofmusic.org/article/article/new-business-models>)
    - Mike Masnick, *The Future Of Music Business Models (And Those Who Are Already There)*, TechDirt, 2009  
(<http://www.techdirt.com/articles/20091119/1634117011/future-music-business-models-those-who-are-already-there.shtml>)
    - Joanna Demers . *Steal This Music: How Intellectual Property Law Affects Musical Creativity*. Athens, GA: University of Georgia Press, 2006, *Introduction*
    - Fred von Lohmann, Fair Use As Innovation Policy, Berkeley Technology Law Journal 23:1, 2008
  - Librarians fight back : ARL Code of Best Practices for Fair Use in Academic and Research Libraries
  - Academics in revolt : Something about the Cost of Knowledge boycott against Elsevier; the editorial board of Journal of Library Mgt jumping ship from Taylor & Francis in protest over their author agreements; the math journal from a few years ago ... etc.
  - The effort to get authors to protect their own rights
    - Association of Research Libraries, Scholarly Publishing and Academic Resources Coalition *Author Rights: Using the SPARC Author Addendum to secure your rights as the author of a journal article* (<http://www.sparc.arl.org/resources/authors/addendum>) (and review the text of the addendum)
  - Through the Courts--new strands in "transformative" works (incl metadata and massive copying)
    - Google Books Case
    - Hathi Trust Case
    - Georgia State Case--electronic course reserves
    - Tools/software with transformative uses
      - -SHAZAM

- -TurnItIn
- -N-Gram viewer
- -IA Television Archive geo-mapping places mentioned in US TV news ([http://archive.org/tvgeo/tvgeo\\_geosearch.html](http://archive.org/tvgeo/tvgeo_geosearch.html))
- Readings on NSF/NIH Open Access mandates
  - Association of Research Libraries, *Public Access Policies* (<http://www.arl.org/focus-areas/public-access-policies>)
  - SPARC, Complying with the NIH Public Access Policy - Copyright Considerations and Options (<http://www.sparc.arl.org/resources/papers-guides/nih-copyright>)
  - A (Publishing) House Divided: Scholarly Publishers in Support and Opposition to Public Access to Research (<http://www.slaw.ca/2009/03/18/a-publishing-house-divided-scholarly-publishers-in-support-and-opposition-to-public-access-to-research/>)
  - Open Access Mandates: Ensuring Compliance (<http://poynder.blogspot.com/2012/05/open-access-mandates-ensuring.html>)
  - NIH Public Access Policy (Address ©, Determine Applicability) (<http://publicaccess.nih.gov/policy.htm>)
  - National Science Foundation Collaborates with Federal Partners to Plan for Comprehensive Public Access to Research Results, Feb 22, 2013 ([http://www.nsf.gov/news/news\\_summ.jsp?cntn\\_id=127043](http://www.nsf.gov/news/news_summ.jsp?cntn_id=127043))
  - NSF Public Access Initiative ([http://www.nsf.gov/about/budget/fy2014/pdf/45\\_fy2014.pdf](http://www.nsf.gov/about/budget/fy2014/pdf/45_fy2014.pdf))
- Outside the System
  - Guerilla Open Access Manifesto, Aaron Swartz, 2008 ([https://archive.org/stream/GuerillaOpenAccessManifesto/Goamjuly2008\\_djvu.txt](https://archive.org/stream/GuerillaOpenAccessManifesto/Goamjuly2008_djvu.txt))
  - Readings on Transgression in Ted Gornelios, David J. Gunkel (eds) (2011) *Transgression 2.0: Media, Culture, and the Politics of a Digital Age*, Bloomsbury Press:
    - 1. Richard Edwards - Flip the Script: Political Mashups as Transgressive Texts
    - 2. David Gunkel - Audible Transgressions: Art and Aesthetics after the Mashup
    - 3. Mark Amerika - Source Material Everywhere [[G.]Lit/ch RemiX]: A Conversation with Mark Amerika
    - 14. Debra Shaw - Monsters in the Metropolis: Pirate Utopias and the New Politics of Space

In class:

- ALA approach: Section 108 vs Fair Use vs WIPO Limitations and Exceptions
- Other group choices
  - Lobbying
  - Court challenges
  - Building grassroots movements
  - Individual/small-group transgressions, hacking

- Illegal Art Exhibit—Stay Free!  
(<https://archive.org/details/ill-art>)
  - New Business models
- Groups organized to fight
  - Public Knowledge (<http://www.publicknowledge.org/>)
  - Demand Progress (<http://www.demandprogress.org/>)
  - Electronic Frontier Foundation (<https://www.eff.org/>)
  - Library Copyright Alliance (<http://www.librarycopyrightalliance.org/>)
- News
  - How Taylor Swift Dragged Private Equity Into Her Fight Over Music Rights, NY Times, Nov 25, 2019  
(<https://www.nytimes.com/2019/11/24/business/taylor-swift-carlyle-scooter-braun.html>)

## Dec 8 Class presentations of final paper/project

- Class Presentations
- News: Want Vaccines Fast? Suspend Intellectual Property Rights; Otherwise, there won't be enough shots to go around, even in rich countries, NY Times, Dec 7, 2020  
(<https://www.nytimes.com/2020/12/07/opinion/covid-vaccines-patents.html>)
- Likely illegal sites for distributing textbooks, journal articles, and other works heavily used by students
  - Sci Hub (<https://en.wikipedia.org/wiki/Sci-Hub>)  
<https://sci-hub.tw/>
  - MemoryOfTheWorld.org  
(<https://library.memoryoftheworld.org/#/books/>)
- Scenario from CNI meeting
  - E-textbooks licensed to student, and expires when finals are due
  - No access later on when needed for other more advanced class, Comps, reviewing, etc.

## Other Information

### Tisch Plagiarism Advisory:

Plagiarism is presenting someone else's work as though it were your own. More specifically, plagiarism is to present as your own: A sequence of words quoted without quotation marks from another writer or a paraphrased passage from another writer's work or facts, ideas or images composed by someone else. Much of this class deals with the culture of borrowing or building upon the work of others. Sometimes there is a fine line between building upon the work of others and representing the work of others as your

own work. If you have any doubts at all, it is best to acknowledge and give credit to your sources.

You are encouraged to read additional texts and to discuss the issues of this course and your papers with others; but if you use ideas that come from others, you must acknowledge their help. It is always better to err on the side of acknowledging other people than to fail to do so.

**Acknowledgements:**

Thanks to all the people who have come before us: writing, analyzing, producing websites, and providing activism on these issues.

## **Standard Language Required for CS Syllabi**

***Tisch Policy on Academic Integrity***

The core of the educational experience at the Tisch School of the Arts is the creation of original work by students for the critical review of faculty members. Any attempt to evade that essential transaction through plagiarism or cheating is educationally self-defeating and a grave violation of Tisch's community standards. Plagiarism is presenting someone else's original work as if it were your own; cheating is an attempt to deceive a faculty member into believing that your mastery of a subject or discipline is greater than it really is. Penalties for violations of Tisch's Academic Integrity Policy may range from being required to redo an assignment to dismissal from the School. For more information on the policy--including academic integrity resources, investigation procedures, and penalties--please refer to the [Policies and Procedures Handbook](https://www.tisch.nyu.edu/student-affairs/important-resources/tisch-policies-and-handbooks) ([tisch.nyu.edu/student-affairs/important-resources/tisch-policies-and-handbooks](https://www.tisch.nyu.edu/student-affairs/important-resources/tisch-policies-and-handbooks)) on the website of the Tisch Office of Student Affairs.

***Health & Wellness Resources***

Your health and safety are a priority at NYU. If you experience any health or mental health issues during this course, we encourage you to utilize the support services of the 24/7 NYU Wellness Exchange 212-443-9999. Also, all students who may require an academic accommodation due to a qualified disability, physical or mental, please register with the Moses Center 212-998-4980. Please let your instructor know if you need help connecting to these resources. Students may also contact Department Chair Anna McCarthy [anna.mccarthy@nyu.edu](mailto:anna.mccarthy@nyu.edu) and/or Administrative Director Ken Sweeney [kcs1@nyu.edu](mailto:kcs1@nyu.edu) for help connecting to resources.

***Sexual Misconduct, Relationship Violence, and Stalking Policy & Reporting Procedures***

NYU seeks to maintain a safe learning, living, and working environment. To that end, sexual misconduct, including sexual or gender-based harassment, sexual assault, and sexual exploitation, are prohibited. Relationship violence, stalking, and retaliation against an individual for making a good faith report of sexual misconduct are also prohibited. These prohibited forms of conduct are emotionally and physically traumatic and a violation of one's rights. They are unlawful, undermine the character and purpose of NYU, and will not be tolerated. A student or employee determined by NYU to have committed an act of prohibited conduct is subject to disciplinary action, up to and including separation from NYU. Students are encouraged to consult the online [Sexual Misconduct, Relationship Violence, and Stalking Resource Guide for Students](https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/sexual-misconduct--relationship-violence--and-stalking-resource-.html)

([nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/sexual-misconduct--relationship-violence--and-stalking-resource-.html](https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/sexual-misconduct--relationship-violence--and-stalking-resource-.html)) for detailed information about on-campus and



community support services, resources, and reporting procedures. Students are also welcome to report any concerns to Department Chair Anna McCarthy [anna.mccarthy@nyu.edu](mailto:anna.mccarthy@nyu.edu) and/or Administrative Director Ken Sweeney [kcs1@nyu.edu](mailto:kcs1@nyu.edu) for help connecting to resources.

### ***NYU Title IX Policy***

Tisch School of the Arts is dedicated to providing its students with a learning environment that is rigorous, respectful, supportive and nurturing so that they can engage in the free exchange of ideas and commit themselves fully to the study of their discipline. To that end Tisch is committed to enforcing University policies prohibiting all forms of sexual misconduct as well as discrimination on the basis of sex and gender. Detailed information regarding these policies and the resources that are available to students through the Title IX office can be found by using the [this link](#).

<https://www.nyu.edu/about/policies-guidelines-compliance/equal-opportunity/title9.html>

### ***Non-Discrimination and Anti-Harassment Policy & Reporting Procedures***

NYU is committed to equal treatment and opportunity for its students and to maintaining an environment that is free of bias, prejudice, discrimination, and harassment. Prohibited discrimination includes adverse treatment of any student based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, or citizenship status, rather than on the basis of his/her individual merit. Prohibited harassment is unwelcome verbal or physical conduct based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, or citizenship status. Prohibited discrimination and harassment undermine the character and purpose of NYU and may violate the law. They will not be tolerated. NYU strongly encourages members of the University Community who have been victims of prohibited discrimination or prohibited harassment to report the conduct. MIAP students may make such reports to Department Chair Anna McCarthy [anna.mccarthy@nyu.edu](mailto:anna.mccarthy@nyu.edu) and/or Administrative Director Ken Sweeney [kcs1@nyu.edu](mailto:kcs1@nyu.edu) for help connecting to resources, or directly to Marc Wais, Senior Vice President for Student Affairs. Students should refer to the University's [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures](#) ([nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/non-discrimination-and-anti-harassment-policy-and-complaint-proc.html](https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/non-discrimination-and-anti-harassment-policy-and-complaint-proc.html)) for detailed information about on-campus and community support services, resources, and reporting procedures.

### ***NYU Guidelines for Compliance with the Family Educational Rights and Privacy Act (FERPA)***

The Family Educational Rights and Privacy Act of 1974 (FERPA) was enacted to protect the privacy of students' education records, to establish the rights of students to inspect and review their education records, and to provide students with an opportunity to have inaccurate or misleading information in their education records corrected. In general, personally identifiable information from a student's education records, including grades, may not be shared without a student's written consent. However, such consent is not needed for disclosure of such information between school officials with legitimate educational interests, which includes any University employee acting within the scope of their University employment. See [here](#) ([nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/FERPA.html](https://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/FERPA.html)) for full policy guidelines.

**NYU Student Religious Observance Policy**

See [here](#) for the University Calendar Policy on Religious Holidays.

**NYU Academic Support Services**

NYU offers a wide range of academic support services to help students with research, writing, study skills, learning disability accommodation, and more. Here is a brief summary:

**NYU Libraries**

Main Site: [library.nyu.edu](http://library.nyu.edu); Ask A Librarian: [library.nyu.edu/ask](http://library.nyu.edu/ask)

70 Washington Square S, New York, NY 10012

Staff at NYU Libraries has prepared a guide

(<http://guides.nyu.edu/c.php?g=276579&p=1844806>) covering services and resources of particular relevance to graduate students. These include research services and guides by topic area, subject specialists, library classes, individual consultations, data services, and more.

There's also a range of study spaces, collaborative work spaces, and media rooms at Bobst, the library's main branch.

**The Writing Center**

[nyu.mywconline.com](http://nyu.mywconline.com)

411 Lafayette, 4th Floor, 212-998-8860, [writingcenter@nyu.edu](mailto:writingcenter@nyu.edu)

The Writing Center is open to all NYU students. There, students can meet with a faculty writing consultant or a senior peer tutor at any stage of the writing process, about any piece of writing (except exams). Appointments can be scheduled online. Students for whom English is a second language can get additional help with their writing through a monthly workshop series scheduled by the Writing Center

([cas.nyu.edu/content/nyu-as/cas/ewp/writing-resources/rise-workshops.html](http://cas.nyu.edu/content/nyu-as/cas/ewp/writing-resources/rise-workshops.html)).

**The University Learning Center (ULC)**

[nyu.edu/ulc](http://nyu.edu/ulc); Academic Resource Center (18 Washington Pl, 212-998-8085) or University Hall (110 East 14th St, 212-998-9047)

*Peer Writing Support:* All students may request peer support on their writing during drop-in tutoring hours for "Writing the Essay / General Writing" at the University Learning Center (ULC), which has two locations noted above. Students for whom English is a second language may wish to utilize drop-in tutoring geared towards international student writers (see schedule for "International Writing Workshop").

*Academic Skills Workshops:* The ULC's Lunchtime Learning Series: Academic Skills Workshops focus on building general skills to help students succeed at NYU. Skills covered can help with work in a variety of courses. Workshops are kept small and discuss topics include proofreading, close reading to develop a thesis, study strategies, and more. All Lunchtime Learning Series workshops are run by Peer Academic Coaches.

**Moses Center for Students with Disabilities**

[nyu.edu/students/communities-and-groups/students-with-disabilities.html](http://nyu.edu/students/communities-and-groups/students-with-disabilities.html)

726 Broadway, 3rd Floor, 212-998-4980, [mosescsd@nyu.edu](mailto:mosescsd@nyu.edu)

All students who may require an academic accommodation due to a qualified disability, physical or mental, are encouraged to register with the Moses Center. The Moses Center's mission is to facilitate equal access to programs and services for students with disabilities and to foster independent decision making skills necessary for personal and academic success. The Moses

Center determines qualified disability status and assists students in obtaining appropriate accommodations and services. To obtain a reasonable accommodation, students must register with the Moses Center (visit the Moses Center website for instructions).