



# Social Media and Plagiarism

What's Fair Use and What's Theft?





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# Don't Publish My Tweets!

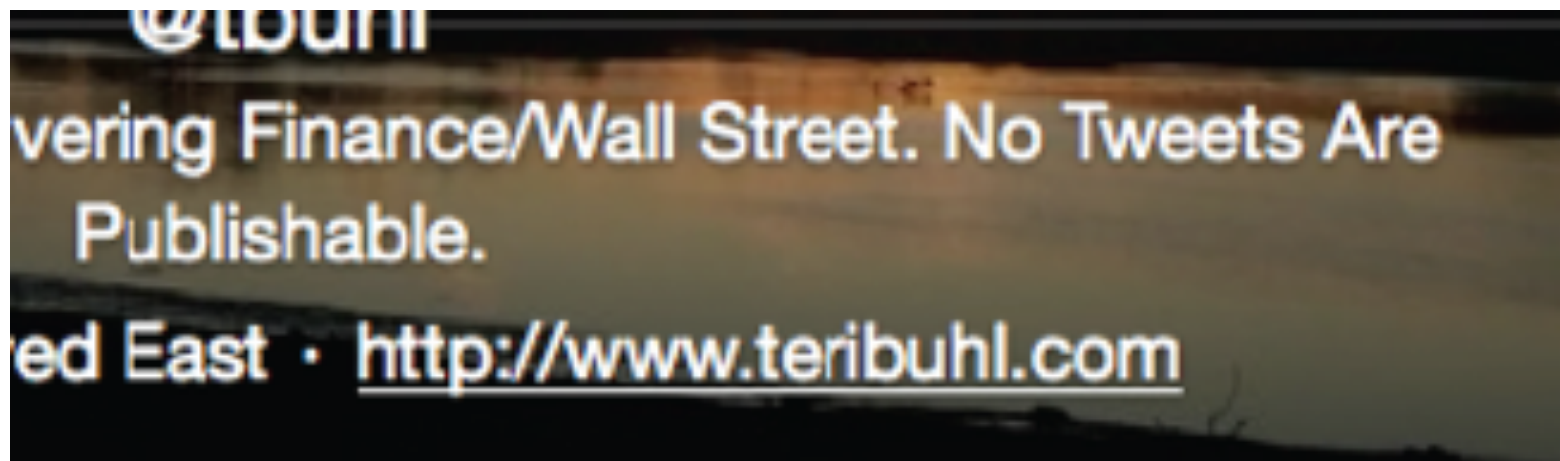


**Teri Buhl**   
**@tbuhl**

Investigative Journalist covering Finance/Wall Street. No Tweets Are  
Publishable.

So-Cal Trojan moved East · <http://www.teribuhl.com>

# Don't Publish My Tweets!



# Don't Publish My Tweets!



**tbuhl**

15m

@gideonstrumpet IT means I  
don't want my tweets in a story or  
on a blog

**gideonstrumpet**

21m



.@tbuhl's twitter profile proclaims  
"no tweets are publishable".  
What does that mean?

# Don't Publish My Tweets!

**gideonstrumpet**

14m



.@tbuhl ok thanks. I don't know how you prevent that, though. I could write a post quoting you.



**tbuhl**


13m

@gideonstrumpet then I would sue you because I have stated my tweets are not on record comments

# Don't Publish My Tweets!

Investigative Journalist covering Finance/Wall Street. No Tweets Are Publishable.


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<b>38,512</b> TWEETS	<b>367</b> FOLLOWING	<b>1,587</b> FOLLOWERS	 <b>Follow</b>
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## Tweets

**@tbuhl's tweets are protected.**

Only confirmed followers have access to @tbuhl's Tweets and complete profile. Click the "Follow" button to send a follow request.



# Don't Publish My Tweets!

- Questions to consider
  - Is content on Twitter copyrighted?
    - Tweets (text)
    - Photos
  - If it is, what fair use rules apply?
    - Can I link?
    - Can I republish?
    - Can I use for commercial intent?

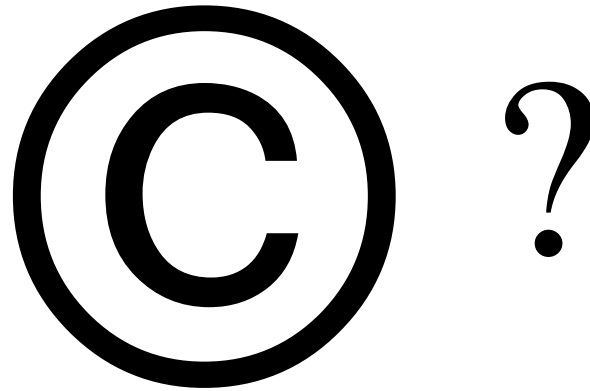


# Copyright Law: The Basics

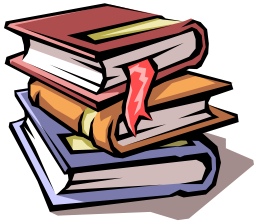
# Copyright Infringement

Using someone else's original work  
without obtaining the copyright  
owner's permission

What is copyright?



# Copyright protects property



# Rights protected by a copyright

- Reproduction
- Adaptation
- Distribution
- Public performance
- Public display

# Rights protected by a copyright

- Reproduction
- Adaptation
- Distribution
- Public performance
- Public display



*The copyright of the cover art from Bruce Springsteen's 1984 Born in the USA album is just one of several associated with the musical work*

# Purpose of copyright

- Recognized in U.S. Constitution
  - Encourage progress through advancement of arts & sciences

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# Purpose of copyright

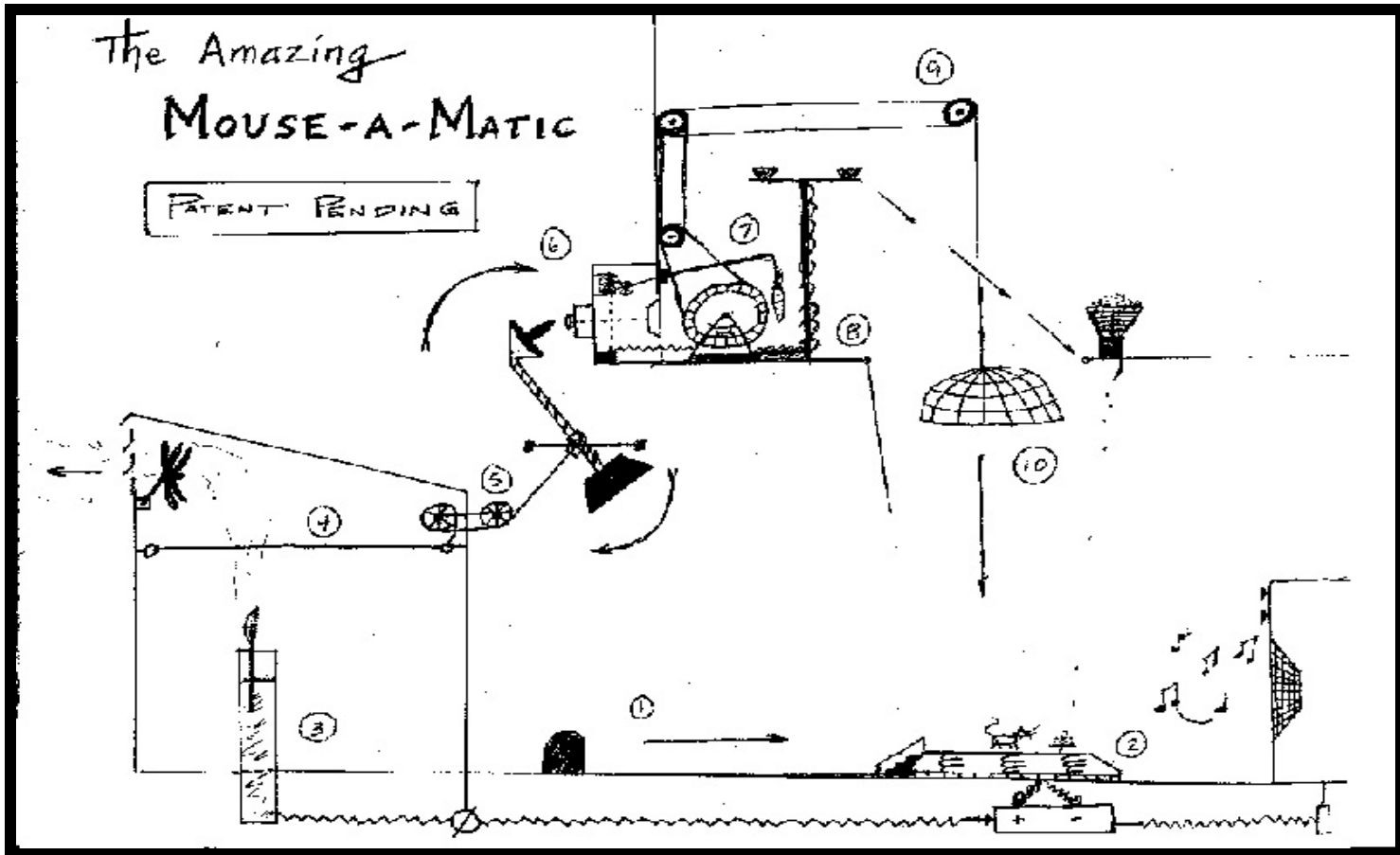
- Recognized in U.S. Constitution
  - Encourage progress through advancement of arts & sciences
    - Reward creative efforts
    - Promote societal knowledge

# Intellectual Property

- Copyright
  - Patent
  - Trademark
- 

- Plagiarism

# Copyright v. Patent Protection



# Copyright v. Trademark



A few examples of some well-known trademarks and service marks

# Copyright v. Trademark

## Student footwear choice reflects lifestyle

When it comes to what shoes to wear, the decision for students might be more difficult than one would think.

Shoe makers are targeting young people with aggressive ad campaigns, and keeping up with the Joneses when it comes to footwear can be an obsession for many students. Some experts say shoe choices can tell a lot about a student and his/her interests.

Depending on where students buy their shoes — whether it be the mall or at a discount outlet — can speak volumes about the student as well, according to a study by a shoe expert.

“Sometimes students worry too much about what shoes they are going to wear,” said John Doe, a shoe specialist based out



The Test:

Is there a likelihood of consumer confusion?

# Copyright v. Plagiarism

- Posing as the creator of a work that is not your own
- Not a legal term
- Academic crime with variable definitions

# What can be copyrighted?

Requirement 1: Originality

Requirement 2: Minimal Creativity

Requirement 3: Fixation

Copyright law protects  
material on the Internet!



# Copyright can protect:

- Photos
- Stories
- Illustrations
- Cartoons
- Advertisements
- ...even Wallpaper

Copyright does *not* prohibit use of:

Ideas

Copyright does *not* prohibit use of:

Facts

# Copyright does *not* prohibit use of:

- Most federal government records
- Some state and local government records



New York, NY, September 25, 2001 — A rescue worker overlooks the rubble from the collapsed World Trade Center. Photo by Mike Rieger/ FEMA News Photo ([www.photolibrary.fema.gov](http://www.photolibrary.fema.gov))

# Copyright does *not* prohibit use of:

- Odds and Ends
  - Titles
  - Slogans
  - Short phrases
  - Names
  - Familiar symbols
  - Lists of ingredients
  - Basic instructions
  - Simple blank forms

# Just do it!

t i t a n i c

days of our lives



1 c. sugar

1 c. butter

1 egg

3 c. flour

Mix together. Bake on  
cookie sheet at 325°

*The sound of music*



Oops, I did it again.

# Copyright does not prohibit use of:

- Works whose copyright has expired





# ARTS & ENTERTAINMENT

## Romeo and Juliet by William Shakespeare

Two households, both alike in dignity,  
In fair Verona, where we lay our scene,  
From ancient grudge break to new mutiny,  
Where civil blood makes civil hands unclean.  
From forth the fatal loins of these two foes  
A pair of star-cross'd lovers take their life;  
Whole misadventured piteous overthrows  
Do with their death bury their parents' strife.  
The fearful passage of their death-mark'd love,  
And the continuance of their parents' rage,  
Which, but their children's end, nought could re-  
move,  
Is now the two hours' traffic of our stage;  
The which if you with patient ears attend,  
What here shall miss, our toil shall strive to mend.

SCENE I. Verona. A public place.

Enter SAMPSON and GREGORY, of the house of  
Capulet, armed with swords and bucklers

SAMPSON

Gregory, o' my word, we'll not carry coals.

GREGORY

No, for then we should be colliers.

SAMPSON

I mean, an we be in choler, we'll draw.

GREGORY

Ay, while you live, draw your neck out o' the collar.

SAMPSON

I strike quickly, being moved.

GREGORY

But thou art not quickly moved to strike.

SAMPSON

A dog of the house of Montague moves me.

GREGORY

To move is to stir; and to be valiant is to stand;  
therefore, if thou art moved, thou runn'st away.

SAMPSON

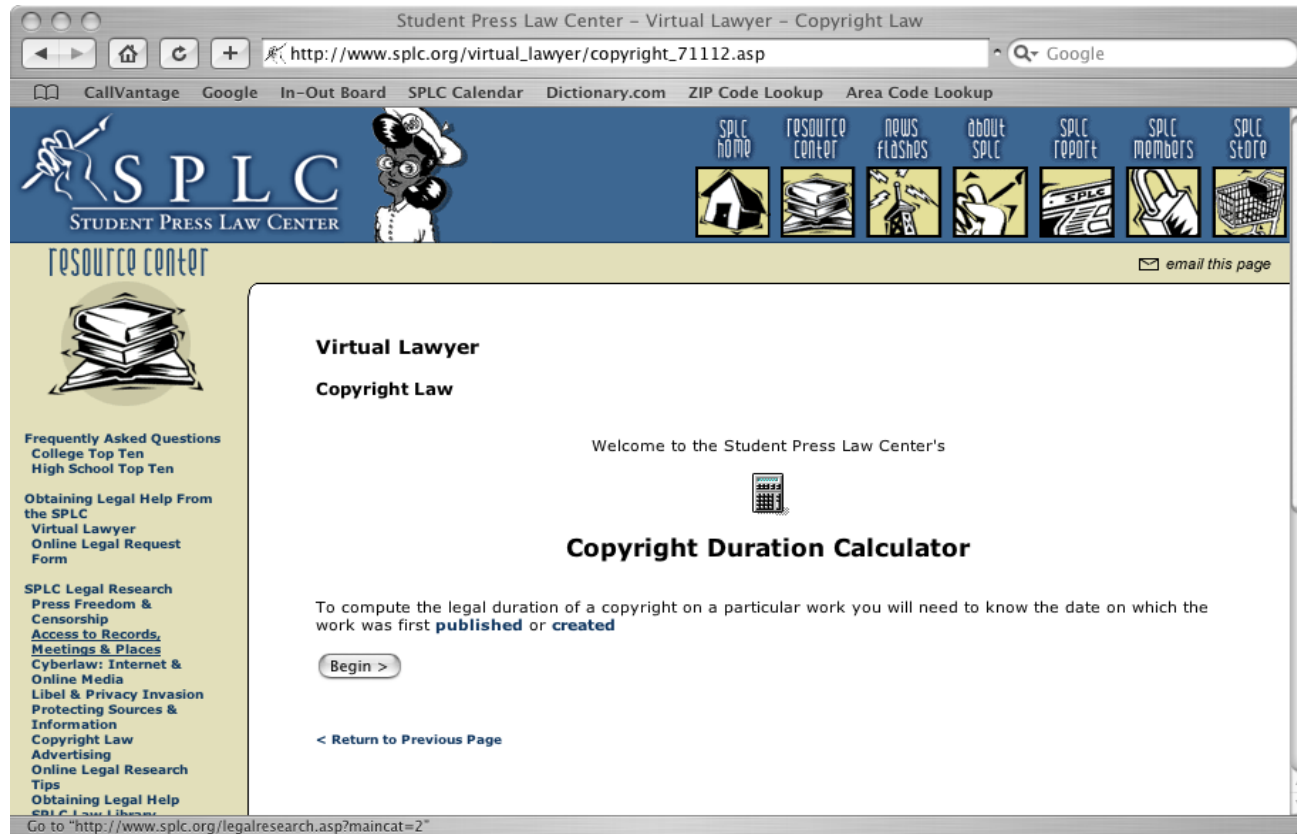
A dog of that house shall move me to stand: I will  
take the wall of any man or maid of Montague's.

GREGORY

That shows thee a weak slave; for the weakest goes  
to the wall.

SAMPSON

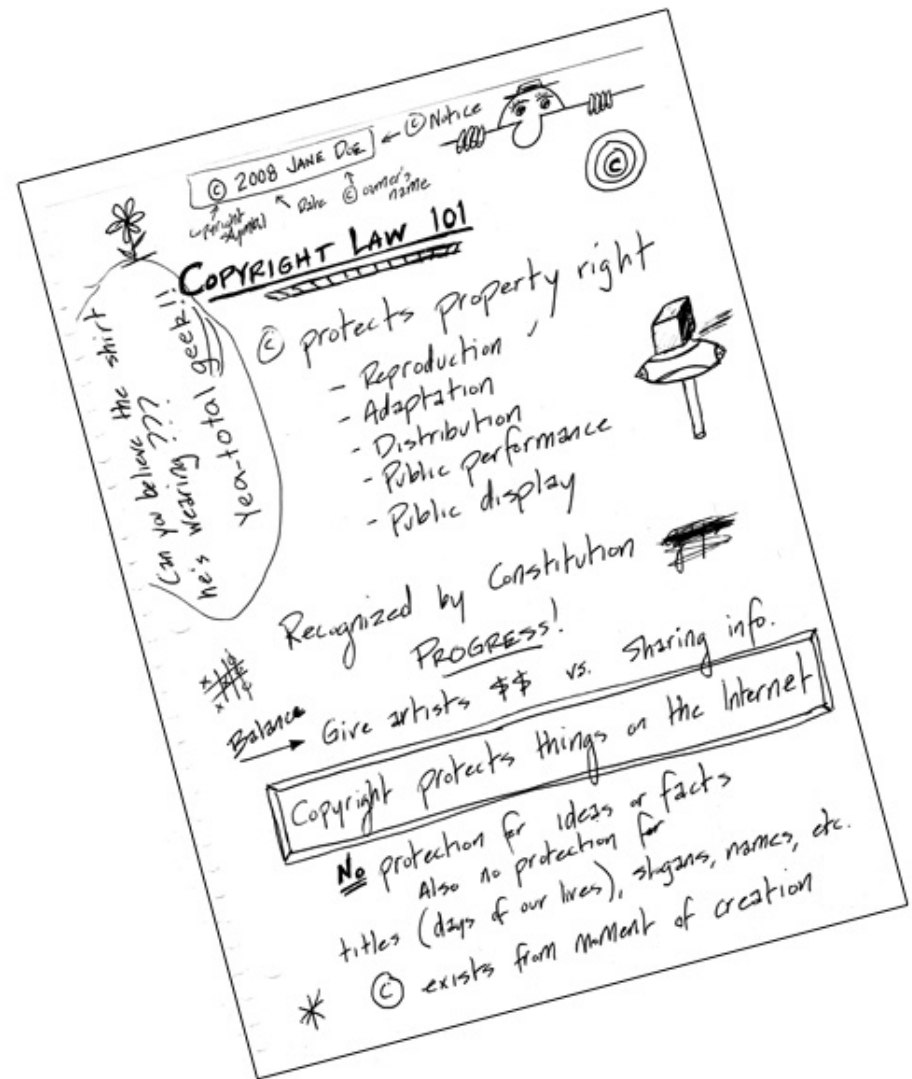
# How long does a copyright last?



[www.splc.org/copyrightcalculator](http://www.splc.org/copyrightcalculator)

# How is a work copyrighted?

- Copyright exists from the moment a work is created



# Copyright MythBuster #1

A work that does not have a copyright notice (e.g., © Copyright 2006 Student Press Law Center) is not protected by copyright and can be used freely.

**False:** Since 1989, a copyright notice has been optional and its inclusion or omission on a work does not affect the validity of a copyright.

# Copyright MythBuster #2

A work must be registered with the U.S. Copyright Office to receive copyright protection.

**False:** Formal registration of a copyright is not required.

# What about registration?

- Form
- Fee
- Submit copies
- Some added benefits

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), write the Copyright Office, or call (202) 707-3000.

**Form TX**  
For a Non-dramatic Literary Work  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX TXU  
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1** TITLE OF THIS WORK ▼

PUBLICATION AS A CONTRIBUTION If this work was published in a periodical, serial, or collection, give information about the collective work in which the contribution appeared.

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Page ▼

**2** a NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH ▼  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

OR

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
Citizen of ☐ Yes ☐ No  
Pseudonym? ☐ Yes ☐ No

NOTE NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

b NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH ▼  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

OR

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
Citizen of ☐ Yes ☐ No  
Pseudonym? ☐ Yes ☐ No

c NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH ▼  
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Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

OR

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
Citizen of ☐ Yes ☐ No  
Pseudonym? ☐ Yes ☐ No

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given ONLY if this work has been published. b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Year in all cases Month Day Year

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 1. APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

MORE ON BACK ▶ ▶ Complete all appropriate spaces (numbers 5-8) on the reverse side of this page. Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 1 pages

[www.copyright.gov](http://www.copyright.gov)

# Who owns a copyright?

- “Work for hire” doctrine
  - Work owned by employer
  - Formal employer/employee relationship required
- Most high school student journalists are likely “independent contractors” who own the works they create
- Importance of a copyright agreement

# The General Rule

If you didn't create it and/or you don't own the copyright to it, you must get permission to use it



# Copyright MythBuster #3

Including a credit line on a copyrighted work is enough to avoid copyright problems.

**False:** The law requires actual **permission** from the copyright owner, not just attribution.

*The High Schoolian 1987*

## People in the News: The Year in Review

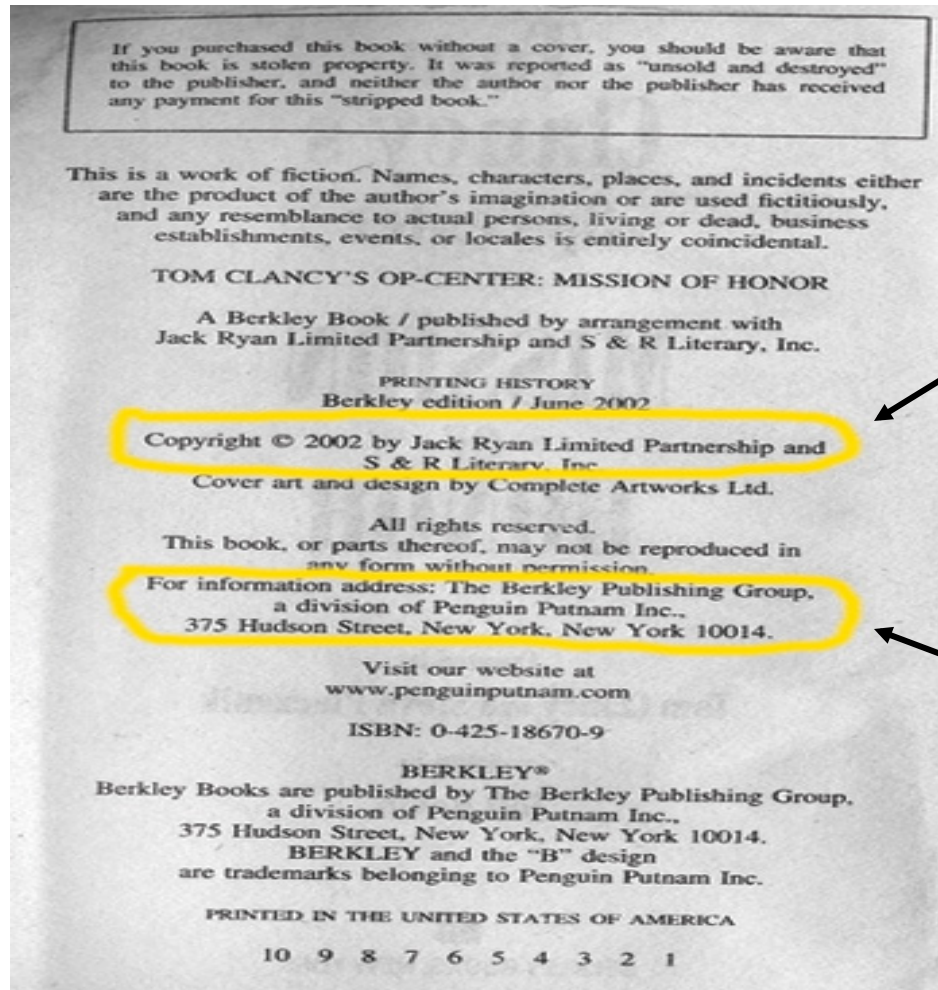


*Photo Courtesy of Famous People Magazine*

Amidst a throng of photographers, the Queen Mother joins Prince Charles and Princess Diana for the London world premier of the film *84 Charing Cross Road*

Absent *actual* permission, a credit line will not protect against claims of copyright infringement

# Obtaining copyright permission



Copyright Notice

Publisher's  
Contact  
Information

# Obtaining copyright permission

- Written copyright permission request usually required and should include:
  - Contact information
  - Expected publication date
  - Number of copies you intend to produce
  - Publication price (if any)
  - Non-profit statement (if applicable)
  - Clear description of intended use
  - Response deadline
- Written permission response preferred

# Purchasing copyright licenses



# The General Rule

If you didn't create it and/or you don't own the copyright to it, you must get permission to use it

Except...



# Fair Use: An Exception to the Rule



# Fair Use:

## An Exception to the Rule

- Using a limited amount of a copyright-protected work for news, educational or informational purposes without consent may be permissible as a “fair use”



# Fair Use:

## An Exception to the Rule

- Using a limited amount of a copyright-protected work for news, educational or informational purposes without consent may be permissible as a “fair use”
- Not every use by a student media organization is a fair use

# Fair Use:

## The Four Factors

- What is the purpose and character of the use?

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- What is the nature of the copyright-protected work?

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- What is the purpose and character of the use?
- What is the nature of the copyright-protected work?
- How much of the original work is used?

# Copyright MythBuster #4

You can safely use up to 250 words of text or up to 30 seconds of a song or movie without violating copyright law.

**False:** Copyright law does *not* recognize any **absolute** word/time allowances or other “safe harbors” for use of copyright-protected works.

# Fair Use:

## The Four Factors

- What is the purpose and character of the use?
- What is the nature of the copyright-protected work?
- How much of the original work is used?
- What is the effect of the use on the potential market value of the original work?

# Common fair use examples

## Madonna comes out kicking in latest CD

Just when people thought Madonna was getting old, she came out with her biggest dance album yet, "Confessions on a dance floor."

Madonna returns to her roots on the dance floor with this album, and the first single, "Hung Up," will surely be played out in every club in the country. You won't find any ballads on this CD, just a bunch dance beats that will get



Source: [www.madonna.com](http://www.madonna.com)

# Common fair use examples

## Superman flies onto the big screen, again

You may have already had your share of movies with the man in blue, but he's back, and critics are raving about the new look and attitude.

In the film, After a long visit to the lost remains of the planet Krypton, the Man of Steel returns to earth to become the peoples savior once again and reclaim the love of Lois Lane, according to IMDb.com, an online



*Source: [supermanreturns.warnerbros.com](http://supermanreturns.warnerbros.com)*



# Common fair use examples

## **Peanuts' creator Charles Schulz dies**

Charles Monroe Schulz, an iconic American cartoonist best known worldwide for his Peanuts comic strip, died at age 77 on Feb. 12, 2000. He was born in Minneapolis, Minn., in 1922, where he began his cartoon career. After returning from service in World War II, Schulz sold his comic panel "Li'l Folks" to the St. Paul Pioneer Press in 1947. By 1950, he had syndicated what became the Peanuts strip across the nation.



*Source: [www.snoopy.com](http://www.snoopy.com)*

# Common fair use examples

## Top Five Favorite Cartoon Characters of the Class of 2010

**#1 Bart Simpson**

#2 Stewie Griffin

#3 Eric Cartman

#4 Homer Simpson

#5 Peter Griffin



*Image source: [www.thesimpsons.com](http://www.thesimpsons.com)*

*\*Survey based on poll of 210 members of Central High School Class of 2010 taken on April 11, 2007.*

# Copyright and Parody

- Parody of original must be obvious
- “Conjure Up” Test
- Creativity counts
- Minimal impact on market value of original



# Penalties for Copyright Infringement

- Actual damages
- Statutory damages
- Injunctive relief

U.S. Copyright Office Web site:

[www.copyright.gov](http://www.copyright.gov)

# Is Content on Twitter Copyrighted?

- You retain your rights to any Content you submit, post or display on or through the Services. By submitting, posting or displaying Content on or through the Services, you grant us a worldwide, non-exclusive, royalty-free license (with the right to sublicense) to use, copy, reproduce, process, adapt, modify, publish, transmit, display and distribute such Content in any and all media or distribution methods (now known or later developed).

# Is Content on Twitter Copyrighted?

- Tip: This license is you authorizing us to make your Tweets available to the rest of the world and to let others do the same.

# Is Content on Twitter Copyrighted?

- License gives rights for Twitter to publish content
- License gives rights for others to “do the same.”
- Retweeting “covered” by TOS
- What about publishing elsewhere?



# Copyrighted Photos on Twitter



# Is Content on Twitter Copyrighted?

- Photographer Daniel Morel sues Washington Post and AFP for publishing and selling his photo from Haitian earthquake
- Judge rules in January 2013 that Twitter's TOS does not give new agencies the right to publish without the photo owner's permission

# The Answer: Fair Use

- Fair Use Tests
  - The purpose of the use (commercial, educational)
  - The nature of the copyrighted work
  - The amount of the copyrighted work used when compared to the whole work
  - The effect the use will have on the market value of the work

# Purpose of Use:

## Is it “Transformative?”

- Commentary
- Criticism
- News Reporting
  - Original work has news value
  - Matters of public importance
  - Matters of public interest
  - Public benefits for knowledge

# Nature of the Work

- Fiction versus non-fiction
  - Far more latitude with non-fiction
  - Cannot copyright facts
- Published versus non-published
  - Far easier to claim fair use for published work
  - Some unpublished work also subject

# Amount of Work Used

- No clear guidelines for how much is “legal”
- Limit use to as little as possible to achieve your editorial purpose
- Cannot diminish value of the original work
- Substantial quotation easier to justify on published rather than non-published works

# Effect on Market Value

- Content distributed at a fee more protected than content distributed for free
- Copyright holder need only prove potential market, not actual one
- If use increases market for the copyrighted work, more likely to find fair use legitimate

# Other Considerations

- Public Domain
- Government data
- Facts are not copyrightable
- Private communications usually a different matter
- Beware the DMCA as ISPs may remove content you feel is not protected



# What About Facebook?

- Similar rules as Twitter
- Reposts on Facebook probably fine
- “Quoting” of Facebook text posts in news stories most likely is fair use
- Taking photos may violate copyright of original photographer—but not Facebook poster

Can you sue Twitter & Facebook  
over a member's defamatory  
comments?

See § 230 of the Federal  
Communications Decency Act

<http://www.eff.org/issues/bloggers/legal/liability/230>

# Finkel v. Dauber

oooooh i like this group.

BTW the 11<sup>th</sup> cent, unbeknownst to many, acquired AIDS while on a cruise to Africa (with another member of the group who shall remain nameless).

While in Africa she was seen f [REDACTED] a horse. NICHTE NICHTE eleventh cent! I mean you know . . . I kinda felt bad for the

eleventh cent...but then again I felt WORSE for the horse. ...  
(Leah Herz 1/29/07, 5:04pm)

In regards to the 7th cents comments,,, it was not from an African cruise... it was from sharing needles with different heroin addicts, this led to cross “mojination” which caused the HIV virus... she then persisted to screw a baboon which caused the epidemic to spread.  
(Jeff Schwartz 1/29/07, 7:43pm)

I heard that the 11<sup>th</sup> cent got aids when she hired a male prostitute who came dressed as a sexy fireman. apparantly .. she was lonely, because her friends no longer associated with her. her sexy fireman prostitute was her only company. in addition to acquiring aids, this nameless 11<sup>th</sup> cent aquired crabs, and syphilis.  
(Melinda Danowitz, 1/29/07, 8:00 pm)

also i heard that the stds (sexually transmitted diseases) she got were so bad that she morfed into the devil in one of our pictures...oops did i reveal the 11<sup>th</sup> cent?>  
(Michael Dauber, 1/29/07, 8:32 pm)

- 2010, NY case
- Secret Facebook group
  - Victim of the bullying  
sues for defamation

# Celebrity/News Online Defamation examples

- Kim Kardashian & the cookie diet
  - <http://tinyurl.com/yjsrey>
  - Follow-up analysis:  
<http://writ.news.findlaw.com/hilden/20100104.html>
- Courtney Love
  - <http://tinyurl.com/cgqerq>
  - Update: <http://artsbeat.blogs.nytimes.com/2011/03/04/courtney-love-settles-twitter-defamation-case/?emc=eta1>
- Gossip sites:
  - Cincinnati Bengal cheerleader case
    - <http://tinyurl.com/2uk3a2b>
    - Update:  
<http://www.usatoday.com/story/ondeadline/2012/10/08/cincinnati-bengal-cheerleader-teacher-student-sex-teen/1619991/>
    - Update 2:  
<http://www.insurancejournal.com/news/midwest/2013/01/25/278781.htm>

# Celebrity/News Online Defamation examples

- Corey Clark:  
<http://www.pressconnects.com/article/20130130/ENT/301300065/Former-Idol-contestant-sues-120-million-defamation-claim>
- Mike McQueary:  
<http://sportsillustrated.cnn.com/college-football/news/20130115/penn-state-mike-mcqueary/>

# Business Interests & Online Defamation

- Apartment Mold:
  - <http://consumerist.com/2010/01/twitter-defamation-lawsuit-dismissed.html>
- Unfavorable tweets against businesses:
  - Restaurant Yelps: <http://nyti.ms/fll6iP>
  - T & J Towing v. Kurtz, Facebook group: Kalamazoo Residents against T&J Towing
    - <http://www.citmedialaw.org/blog/2010/tj-towing-v-kurtz-weve-got-court-documents>
    - Update & what is S.L.A.P.P.? <http://nyti.ms/d7C2so>
  - “Worst car dealership in the world”
    - <http://www.citmedialaw.org/sites/citmedialaw.org/files/2009-12-04-Route%206%20Hyundai%20Demand.pdf>
    - <http://www.citmedialaw.org/sites/citmedialaw.org/files/2009-12-19-Alascio%20Response.pdf>

# Business Interests & Online Defamation

- Doctors and online reviews:
  - [http://www.washingtonpost.com/business/economy/some-doctors-try-to-squelch-online-reviews/2011/11/29/gIQA2KQhYQ\\_story.html](http://www.washingtonpost.com/business/economy/some-doctors-try-to-squelch-online-reviews/2011/11/29/gIQA2KQhYQ_story.html)
- Pink slime suit:
  - <http://www.foxnews.com/us/2012/09/13/bpi-sues-abc-news-for-pink-slime-defamation/%20?test=latestnews>

# Reputation Management Services



The screenshot shows the REXXfield website in a browser window. The header includes the REXXfield logo and a navigation menu with links: HOME, SERVICES, MISSION, FEES, METHODS, RESULTS, TEAM, CONTACT, and BLOG. The main content area features a large portrait of Michael Roberts, a man in a suit, with the text "Specialists in Combating Online Defamation" and "The low-tech attacks that destroy businesses, careers, families and relationships." Below this, a "SERVICES" section lists several offerings: "Rexxfield in the Media" (Listen to podcast and read our interviews), "Identifying Anonymous Bloggers" (Anonymous free speech is not an absolute privilege...), "Personal Online Reputation Restoration" (For professionals, academics and business people who need an impeccable reputation to survive), "Investigations and Litigation Support" (Rexxfield's litigation support team has an 80-90% success rate...), and "Online Allegations of Healthcare & Medical Malpractice" (We have encountered horror stories of patients who refuse to comply with post-op instructions and prescribed treatments and yet publicly vilify...).



The Medical Justice website features a header with the Medical Justice logo (scales of justice) and the tagline "RELENTLESSLY PROTECTING PHYSICIANS FROM FRIVOLOUS LAWSUITS". Navigation links include Home, About Us, Services, Purchase, Proof, Anti-Defamation, News & Events, Contact Us, and E-Newsletter Sign Up. A top right section offers a "Sign up for our free E-Newsletter", "Member Login", and "Medical Justice Blog". A large testimonial banner features a photo of Dr. E. Williams, MD, Facial Plastic Surgeon, with the text: "Approximately one month after signing on... the case was dropped. This alone was worth the cost and I look forward to an ongoing and long term relationship with Medical Justice." Below this, three columns highlight key services: "About Medical Justice" (Run by physicians for physicians...), "Products & Services" (Deter Frivolous Malpractice Claims, Address Unwarranted Demands for Refunds, Deter Internet defamation), and "Watch Videos" (Dr. Jeffrey Segal, MD, FACS, Founder and CEO).



# False Statements

- Fib on Facebook? Law calls it criminal.
  - <http://www.foxnews.com/politics/2011/11/17/fib-on-facebook-us-law-calls-it-criminal-critics-warn/>
- Bill would criminalize posing as someone else:
  - <http://www.usatoday.com/story/news/2013/01/02/bill-would-outlaw-posing-as-others-online/1805771/>

# Misc. Free Speech Issue:

## Students' right to free speech

- “Faked” profiles
  - Mix of rulings
    - Fake MySpace profile for a Texas principal *Draker v. Schreibner*
    - Facebook parody profile of principal Trosch by high school student *Layshock v. Hermitage School District*
    - 14 y o middle school student created fake MySpace *J.S. v. Blue Mountain School*
    - [http://blog.ericgoldman.org/archives/2012/03/suspension\\_for\\_1.htm](http://blog.ericgoldman.org/archives/2012/03/suspension_for_1.htm)
  - Application of *Tinker v. Des Moines* (1969 US S. Ct. case). Black armbands & school ban
- Opinion piece:
  - Sophomoric free speech, <http://usat.me?39347532>

# Free Speech Issue:

## Employee's right to free speech

### Workplace rants on social media are headache for companies

#### The Teacher Cases:

- PA teacher suspended (with pay??!!) for calling her students “lazy whiners” <http://usat.me?43808478>
- NJ 1<sup>st</sup> grade teacher says she “felt like a warden overseeing future criminals” <http://tinyurl.com/3bngqhb>
  - Update:  
[http://blog.ericgoldman.org/archives/2013/01/tenured\\_school\\_1.htm](http://blog.ericgoldman.org/archives/2013/01/tenured_school_1.htm)

#### Employee examples:

- Policies barring Eee from depicting companies “in any way” on social media sites
  - EMT fired b/c crit. she posted on fb, “a 17”: <http://nyti.ms/djca6U>
    - Federal right to form/discuss unions & working conditions

# Free Speech Issue: Anonymous Speech

- Anonymous publishing as a First Amendment right
  - *McIntyre v. Ohio Elections Commission* US S. Ct 1995
  - <http://gilc.org/speech/anonymous/>
- Online speech, accomplished using **remailers**
  - A series of servers that strip our identifying info & sub in anonymous code or random numbers.  
(chained remailing)

# Does the First Amendment give you the right to speak anonymously online?

- Yes, but you do not have the right to speak falsely & injuriously. *Melvin v. Doe*
- Defamation example below:



# Common Newsroom Scenarios



# Newsroom quotes tweet of newsworthy person in on-air story?

Ted Nugent  
@TedNugent

Goodluk America u just voted for economic & spiritual suicide. Soulless fools



5 MONTHS AGO



Taking Facebook profile picture to use  
in story?





# Newsroom uses first photos of breaking news from Instagram?

**mannwhale**48m



 221





**breakingnews** 50w  
A #tornado near Crawford, #Kansas, photographed by @mannwhale. #storm #breakingnews

**kimboslicethrice** 50w  
Today?

**hearkat** 50w  
Yikes!

**kingpr** 50w  
Nice snap! Run hard man!

**breakingnews** 50w  
@kimboslicespice yes just a couple hours ago

**ladyj114** 50w  
Wow... Thinking of U all

**kimboslicethrice** 50w  
Wow

**mannwhale** 50w  
@breakingnews thanks for sharing! Raw video soon.

**babyfoei** 50w  
👍

**knietson** 50w

To add a comment, please [sign in](#).



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# Linking to Facebook profile in news story on the web?



A screenshot of a Facebook profile for Mike Hedges. The profile header shows the name "Mike Hedges" next to a small Facebook logo. To the right of the name are icons for friends, messages (with a red notification bubble showing "1"), and a profile picture (with a red notification bubble showing "25"). Below the header is a large red banner featuring a yellow cartoon bear with white outlines. To the left of the banner is a square profile picture of Mike Hedges, a man with a beard and mustache. Below the profile picture is the name "Mike Hedges" in bold. To the right of the name are two buttons: "Friends" (with a checkmark icon) and "Message" (with a speech bubble icon and a dropdown arrow). Below the name and buttons is a section with four items: "Studio Tech/Director at KCTV5 News", "Studied Anthropology at University of Missouri", "Lives in Kansas City, Missouri", and "From Lone Jack, Missouri". To the right of this section are four small thumbnail images: a person's face, a group of people, a map of Kansas City, and a couple. Below these thumbnails are four statistics: "163 Mutual" (with a puzzle piece icon), "Friends 360", "Photos 130", and "Map 19". To the right of the statistics is a "Likes 142" button. Below the statistics is a section with the word "About" and a dropdown arrow. At the bottom of the page is a section with the word "Activity" and a dropdown arrow.

Mike Hedges

Studio Tech/Director at KCTV5 News  
Studied Anthropology at University of Missouri  
Lives in Kansas City, Missouri  
From Lone Jack, Missouri

163 Mutual  
Friends 360  
Photos 130  
Map 19  
Likes 142


About

Activity

# Newsroom pastes screen shot of Facebook post in news story?




**Patty Gamblin** The city of Columbia and Boone County just LOVE taxing us to death! I did my part yesterday and VOTED NO!

19 hours ago · Like ·  3



**Dave Albin** Please tell me how a new building and 20 more dispatchers will keep me safer than well trained, well paid officers ? Don't forget to build a new garage for the "Swatmobile" we really needed that also.

19 hours ago · Like ·  1

# Final Takeaways

-from Digital Media Law Project

- **Use only as much of the copyrighted work as is necessary to accomplish your purpose or convey your message**
- **Use the work in such a way that it is clear that your purpose is commentary, news reporting, or criticism**
- **Add something new or beneficial (don't just copy it -- improve it!)**
- **If your source is nonfiction, limit your copying to the facts and data**
- **Seek out Creative Commons or other freely licensed works when such substitutions can be made and respect the attribution requests in those works.**



# Social Media and Plagiarism

What's Fair Use and What's Theft?

