

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

Wed 12:30-4:30 PM, room 648 (721 Bdwy), Fall 2019, 4 pts  
CINE-GT 1611, CINE-UT 611

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

Office Hours: Tu 2:30-4:30 PM, 665 Broadway, rm 612, *and by appointment*  
(latest syllabus version always at <http://besser.tsoa.nyu.edu/howard/Classes/19free-culture-syllabus.pdf> )

## 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 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), Media Artists Marshall Reese (and Nora Ligorano), Artist Heath Bunting, and Copyright attorney (and librarian and policy activist) Laura Quilter.

## Assignments/Grading:

**All assignments should be posted on NYU Classes and emailed to [howard\[at\]nyu.edu](mailto: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, 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 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, 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). You can find examples of similar group projects for classes that Howard has taught in the past 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 9

**Final Due date:** Nov 13 (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.

**Topic and Scope must be approved by Instructor before:** Oct 9

**Due date:** Dec 11

***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 or from a local NYC 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:

- Skladany, Martin. (2018) **Big Copyright Versus the People: How Major Content Providers Are Destroying Creativity and How to Stop Them**
- 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&>)
- Vaidhyanathan, Siva. (2001) **Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity**, New York: NYU Press  
(<https://nyupress.org/9780814788066/>)
- Boyle, James. (2010) **The Public Domain: Enclosing the Commons of the Mind**, New Haven: Yale (<http://thepublicdomain.org/thepublicdomain1.pdf>)
- McLeod, Kembrew. (2007) **Freedom of Expression: Resistance and Repression in the Age of Intellectual Property**, Minneapolis: Univ of MN Press
- Lessig, Lawrence. (2008) **Remix: Making Art and Commerce Thrive in the Hybrid Economy**, New York: Penguin
- Aufderheide, Patricia and Peter Jaszi. (2011) **Reclaiming Fair Use: How to Put Balance Back in Copyright**, Chicago: University of Chicago 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. (2002) **Silent Theft: The Private Plunder of Our Common Wealth**, New York: Routledge
- Lessig, Lawrence. (2001) **The Future of Ideas: The Fate of the Commons in a Connected World**, New York: Random House

- Benkler, Yochai. (2007) **The Wealth of Networks: How Social Production Transforms Markets and Freedom**, New Haven: Yale University Press
- Decherney, Peter, (2012) **Hollywood's Copyright Wars: From Edison to the Internet**, New York: Columbia University Press
- 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))
- Brennan, Ian. (2019). **Silenced by Sound: The Music Meritocracy Myth**, Berkeley: PM Press

### Recommended Viewings:

- Spooky, DJ (2007) **Rebirth of a Nation** (100 min)
- 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 on the web. *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.

## Week by Week

### Sep 4 Introduction to class

In class:

- Why are Free Culture and Open Access tied together?
- 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-s-seesaws-at-the-us-mexico-border/#4a46e83d7032>)
- Trailer for Brian Knappenberger’s “The Internet’s Own Boy”  
<http://aaronswartzthedocumentary.com/>
  - *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)
- 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>)
- 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>)
- The Academic Journal publishing model & the book publishing model
  - UC faculty to Elsevier: Restart negotiations, or else (<https://news.berkeley.edu/2019/08/07/uc-faculty-to-elsevier-restart-negotiations-or-else/>)
- 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
  - Blackbeard’s Ship Heads to Supreme Court in a Battle Over Another Sort of Piracy, NY Times, Sept 3, 2019 (<https://www.nytimes.com/2019/09/02/us/politics/supreme-court-black-beard-piracy.html>)

## Sep 11 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:

- Documentation of each class—choose weeks
- 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>)
- News
  - Pro-Arts Gallery Newsletter on Commons (Sept 2019)  
(<https://proartsgallery.org/wp-content/uploads/2019/09/Pro-Arts-Newsletter-SEPT-with-aesth.jpg>)
  - Who's been hacking digital traffic signs in Berkeley? Berkeleyside, Sep 9, 2019  
(<https://www.berkeleyside.com/2019/09/09/whos-been-hacking-digital-traffic-signs-in-berkeley>)



- ALA's campaign Against E-Book Embargo (Sep 11, 2019)
  - ALA releases template for state, local library action opposing Macmillan eBook embargo, American Library Association, Aug 23, 2019  
(<http://www.ala.org/news/member-news/2019/08/ala-releases-template-state-local-library-action-opposing-macmillan-ebook>)
- An older News Article
  - Trademark Trumps Charity, So U.S. Will Destroy Bogus N.F.L. Jerseys, NY Times, Jan 31, 2014  
(<http://www.nytimes.com/2014/01/31/nyregion/trademark-trumps-charity-so-us-will-destroy-bogus-nfl-jerseys.html>)
    - *some makers of high-priced clothing did not want knockoffs of their clothing being worn by poor people. "After all, these companies did not spend millions of dollars in high-end advertising only to be associated with 'shelter chic,' "*

## Sep 18 Intellectual Property: History & Concepts, & Information Commons/sharing (summary by Cornell Cheng)

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Bottom of Form

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>)
- 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.negativland.com/news/?page\\_id=87](http://www.negativland.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:

- 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>
- First Sale
- 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)
- 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>)
- 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> )

## News

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

- 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>)
- ICE conducts raid at Oakland Raiders game on unlicensed NFL apparel, SF Chronicle, Sep 14, 2019 (<https://www.sfchronicle.com/crime/article/ICE-conducts-raid-at-Oakland-Raiders-game-on-14438536.php>)
- Federal judge rules for S.F. art editor in copyright case over Picasso photos, SF Chronicle, Sep 13, 2019 (<https://www.sfchronicle.com/bayarea/article/Federal-judge-rules-for-S-F-art-editor-in-14439019.php>)

## Sep 25 Creating & Preserving Film & Media Works butts up against Copyright Laws (Guests Toni Carey & Nick Palazzo previewing their film Reel Heroes) (summary by Ethan McIntyre)

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))

●  
In Class

- Guests & clips
- Discussion of Topical Website Assignment (topics, groups including a webmaster, etc.)
- Influence of © Laws on Preservation
  - Migration/Emulation
  - Underlying Rights
- WIPO and international issues and implications

## \*Oct 2 More on Creativity Challenges (Howard via Skype)

(summary by Xiaoge Yuan)

Read/watch before class:

- 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 (<https://artoftheprank.com/>)
- Nina Paley's *Sita Sings the Blues*
  - *Sita Sings the Blues FAQ*, section on "Copyright and Distribution" (<http://www.sitasingingtheblues.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))

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In class:

- 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))

## Oct 9 More on Free Culture: Innovation, Creative Commons, An Information Commons; Introduction to Open Access

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://opencollector.org/history/homebrew/commons.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:

- 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
  - 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>)
- News

***Warning: Mon Oct 14 is an NYU Administrative Holiday, and Tu Oct 15 pretends to be a Monday with Monday classes, Monday Office Hours, etc. NYU has essentially eliminated Tuesday next week.***

News

## Oct 16 Free Culture “Pranks” with guests Joey Skaggs & Judy Drosd (summary by Haley Murphy)

Read or watch before class:

- Again review Joey Skaggs' Art of the Prank Blog (<https://artoftheprank.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 2 hours looking over other parts of the website

In class:

- Watch Art of the Prank (<https://www.artoftheprank-themovie.com/>)

## Oct 23 More Culture Jamming & Technology (Guest: Artist Heath Bunting) (summary by Nick Recalde)

Before class read/view:

- Wikipedia page on Heath Bunting ([https://en.wikipedia.org/wiki/Heath\\_Bunting](https://en.wikipedia.org/wiki/Heath_Bunting))
- Bollier's **Viral Spiral**, A Viral Spiral of New Commons, Conclusion (pp 227-end)

In class

- Heath Bunting presentation
- Discussion on Culture Jamming & Technology
- Discussion and feedback on group website projects
- Discussion on Viral Spiral

## Oct 30 Culture Jamming & Appropriation Art; Group Presentations (Guest Marshall Reese) (summary by Jia Li)

Watch before class:

- Ligorano & Reese (1995) Exposed and Debriefed (<https://www.facebook.com/photo.php?v=100410154761>)
- Baldwin, Craig. (1995) **Sonic Outlaws**, 87 min

Top of Form

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- 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>)

Read before class:

- Montalvo Art Center biography of Ligorano/Reese ([http://montalvoarts.org/artist\\_groups/ligorano\\_reese/](http://montalvoarts.org/artist_groups/ligorano_reese/))



- Familiarize yourself with the 1994 Contract With America through Wikipedia ([http://montalvoarts.org/artist\\_groups/ligorano\\_reese/](http://montalvoarts.org/artist_groups/ligorano_reese/)), CNN (<http://www.youtube.com/watch?v=fSmVYqCqzkl>), and other sources
- AP News Archive (1995) Contract with American Underwear Rubs Republicans the Wrong Way (<http://www.apnewsarchive.com/1995/Contract-With-America-Underwear-Rubs-Republicans-the-Wrong-Way/id-6ee88bbe2530325df1cb04bb7ee27d5>)
- 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

- Marshall Reese of *Ligorano/Reese* on Contract With America
- Presentation of Group project websites (approx. 15 minutes each)
- 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/>)

## Nov 6 Open Access in the Academic and Library World (1 of 2)

Before class read/view:

- Suber's **Open Access**, remainder of book (p 29 through end)
- 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>)
- 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/>)

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#### In class:

- 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-elsevier-california-sci-hub-academic-paywalls>)
  -
- Approaches: Repositories (Green) & Open Access Journals (Gold)
- SPARC
- The Budapest Initiative
- 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-results-scientific-research>),
- 2 Critiques of Open Data (Kitchen, Kansa)
- 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 (Siva's aside on Apps marking end of innovation on Internet, Negativland, articles, etc.)
- Suber's Open Access
- Open Content Alliance (<http://www.opencontentalliance.org/>) vs Google Books

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## Nov 13 Open Access in the Academic and Library World (2

of 2) (Guest: Laura Quilter) (summary by Lefan Lin)

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:

- 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))
  - Balancing Traditional Cultural Expression (TCE)
- WIPO passage of an accessibility exception in copyright law
- Green vs Gold Open Access
- 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 20 Heroes of Free Culture & Open Access (summary by

Jordan Taylor)

Before class read/watch:

- 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'Reilly, 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 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/>)
- Craig Baldwin (1995) **Sonic Outlaws** (87 min)

## Dec 4 Pushing Back Against Copyright Maximalism: Efforts within the System, Piracy, and Hacktivism

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.onthedia.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



- 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
  -

Dec 11 Class presentations of final paper/project

## 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://tisch.nyu.edu/student-affairs/important-resources/tisch-policies-and-handbooks) (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://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) 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).

