8:00 a.m. Registration

8:30 a.m. Welcome and Opening

8:45 a.m. Ghosts of Presentations Past, Present and Future
Matthew Dyer, State Library of Ohio

9:30 a.m. Fair Use Legal Update - Copyright for Trainers
Mike Travis, Bureau of Worker Compensation

10:30 a.m. Better Photographs for Effective Presentations
Vicki Rulli & Tom Heaphey, Itinerant Studios, Inc.

12:00 p.m. Lunch and Networking

1:15 p.m. The Connection between Improvisation, Leadership and Training

3:30 p.m. Closing Activity

4:00 p.m. Wrap Up

4:30 p.m. SOTA after-hours in the River Club lounge
Presentation & Power Point Best Practices
Compiled by Katie Campbell, Public Library Consultant, State Library of Ohio

Articles:

Books:
**Books, continued.**

**Presentations:**
Bag of Tricks for Presentation Design; Don Weatherbee: [http://www.slideshare.net/DonSmith61/bag-of-tricks-presentation-design](http://www.slideshare.net/DonSmith61/bag-of-tricks-presentation-design)
Effective PowerPoint Presenting; Matthew Dyer: [http://www.slideboom.com/presentations/75749/Effective-PowerPoint-Presenting](http://www.slideboom.com/presentations/75749/Effective-PowerPoint-Presenting)
Steal This Presentation; JESSEDEE: [http://www.slideshare.net/jessedee/steal-this-presentation-5038209](http://www.slideshare.net/jessedee/steal-this-presentation-5038209)
Stop Breaking the Basic Rules of Presenting; The Wikiman: [http://thewikiman.org/blog/?p=1546](http://thewikiman.org/blog/?p=1546)
Links:
The 10/20/30 Rule of PowerPoint; Guy Kawasaki: http://presentationzen.blogs.com/presentationzen/2005/09/whats_good_powe.html
Top 10 Free Stock Photo Sites; eFronter Online Community: http://efronters.blogspot.com/2010/05/top-10-free-stock-photos-sites.html

Videos:
5 Rules for Presenting; Nancy Duarte: http://youtu.be/hT9GGmundag
TEDx Talk; Nancy Duarte: http://youtu.be/1nYFpuc2Umk

Matthew Dyer
State Library of Ohio and Adjunct SOTA Board Member
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The Fair Use Doctrine

... or everything you always wanted to know about copyright & intellectual property law, but were afraid to ask!

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What the heck is intellectual property law? Intellectual property comprises all of the legal concepts related to property produced by the creative process. It covers everything from movies to corporate trade secrets, and from music lyrics to Fortune 500 company logos.

Sounds absolutely thrilling. Now let’s get into a little more detail –

What exactly is a trademark? A trademark is any distinctive mark, color pattern, motto or phrase used by a company to identify their product and services, and to differentiate themselves from their competitors. (Examples include the Nike swoosh, the Mercedes Benz emblem, the Ohio State Buckeye logo, or McDonald’s Golden Arches.)
What exactly is a copyright?  A copyright is an intangible property right, sometime *(but not always)* granted by the Federal government to the author or originator of a literary or artistic product.  (Examples include songs, plays, movies, books, and TV shows.)

What exactly is a patent?  A patent is a grant from the Federal government that gives an inventor the legal right to exclude others from making, using, and/or selling his invention.  (Examples include computer chips, prescriptions drugs, and a highly technical manufacturing process.)

How is each legally acquired?  Ownership of a trademark is automatically created when the owner begins using the mark.  A copyright is automatically acquired upon creation and use, by the author, although many creators do go the extra step of registering with the US Copyright Office.  A patent must be formally applied for, through the US Patent Office.

How long does each last?  A trademark has an unlimited life, as long as the creator continuously uses and maintains the trademark.  A copyright is generally good for the life of the author plus 70 years, and the copyright for creators lasts for 120 years after creation.  A patent generally lasts for 20 years from the date of patent application.

OK, now let’s talk about some common legal myths and misunderstandings of copyright law:

1. *Everything out there is copyrighted.*  **Nope.** Such things as basic ideas and concepts, discoveries, factual information, ordinary names, common creative themes, or something that was copyrighted but expired a long time ago, are all things that can not be copyrighted.

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State of Ohio Training Association

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2. *If I don’t see a © or the word “copyright”, then it’s not copyrighted and is OK to use.* **Sorry, but false.** While creative works can be registered through the US Copyright Office, such a step has not been legally required since 1989, and a copyright is automatically granted when a creative work is introduced to the public.

3. *Copyright laws stifle creativity.* **Wrong again.** While copyright laws may appear to limit the public’s ability to benefit from artistic creativity, the purpose of such laws is to benefit both the creator and audience. Copyright laws assume that granting authors limited economic monopolies over their own creations encourages more innovation and new creative works.

4. *If you properly attribute the source of the material, you can never be guilty of copyright infringement.* **Nice try, but no go.** While it is a good business practice to list and attribute the source of your information, the multi-part analysis of the Fair Use Doctrine (*listed below*) is still the safest option, when using copyrighted material.

5. *Copyright laws only apply to print, and anything on the web is fair game.* **Sorry, but again, no.** In 1998, Congress passed The Digital Millennium Copyright Act, which provides the same legal protections to electronic information that has always been afforded to print, movies, music, TV, and plays.
Enough of this introductory stuff already, let’s move into key discussion topics:

**What is public domain?** Information is in the public domain if either the intellectual property rights have expired or there never were any such rights, at all. Such public domain includes the English language, music of Beethoven, the Bible, all government statistics & studies, and the periodic table of elements. For example, all of the plays of William Shakespeare are in the public domain, and over 450 full length feature movies have been made of his plays, with no royalties ever paid out.

**What is Fair Use?** Fair use is a legal concept that allows limited use of copyrighted material without acquiring permission from the copyright holder. The 1976 Federal Copyright Act allows use of copyrighted material for fair use: “...for purposes such as criticism, comment, news reporting, teaching, scholarship, or research, without the consent of the copyright owner”

**What are legal differences between the two?** Fair use means using limited portions of information that is copyrighted, while public domain means the information never was, or is currently not, copyright protected, and therefore has no legal limits on usage.

Sounds good, so far. Now here’s where you get the really useful information -
Let’s focus on the legal background of fair use. Listed below is a five part legal analysis of the Fair Use Doctrine. The key concept here is to ask yourself these five questions, when you are considering using outside material as part of a training program:

1. **Is the material I am considering using copyrighted at all?** If you can use non-copyrighted material that is already in the public domain, then you are 100% good to go, with absolutely no worries. This doesn’t mean, of course, that you cannot use protected material, but simply that as a trainer you have unlimited use of material that is in the public domain.

2. **What is the purpose of the work – is it commercial / for-profit or is it for non-profit educational use?** For most public sector training officers, this question is easy to answer. If you are preparing material to train other public sector employees, there are no profit motives involved, and there are no plans to sell or market the training material, then this issue is of no concern. If your in-house developed training material becomes a big success, and other organizations are asking to use it, *(especially if money changes hands)*, then you should check with your legal counsel.

3. **What is the nature of the copyrighted work?** The more fact-based a given work, the more likely it will be that the Fair Use Doctrine applies. Caution should be exercised with more creative work, as compared to compilations of simple facts. Courts are more likely to find fair use where the work is factually-oriented because facts and basic ideas cannot be copyrighted.
4. **What is the amount and substantiality of work used, relative to copyrighted work as a whole?** In general, the less that is used in relation to the whole, the more likely fair use will apply. For example, a few sentences of text listed in a book review would always be considered fair use. A short ten second video clip from a two hour movie, incorporated into a training video, would be considered fair use.

5. **What is the overall effect that the fair use has, on the potential market value of copyrighted work?** The less commercial the use, the smaller the portion used, the lesser the importance of that portion to the copyrighted work as a whole, and the lesser the effect on the market value of the work, then it’s more likely that the Fair Use Doctrine will apply.

While this information above is in no way an all-encompassing list, a report released from the Registrar of Copyrights at the US Copyright office provides some guidance on activities that they regard as fair use: “Quotes of excerpts used in a review or criticism, quotes of short passages in a scholarly or technical work, use for illustration or clarification of the author’s observations, use in a parody, summary of an article with brief quotes, in a news report, reproduction by a student or teacher of a small part to illustrate a lesson ...”

A really good source of additional information on the Fair Use Doctrine, including more detailed analysis of the above listed criteria, can be found on the Association of Research Librarian’s web site, at [www.ARL.org](http://www.ARL.org).
Now, let’s apply this five part legal test to real-world use, for Ohio trainers –

**YouTube** – *Can I use clips for training purposes, under the Fair Use doctrine?* **Maybe.** There is a tremendous amount of legal dispute regarding whether fair use exists at all, when using YouTube videos. YouTube’s own website states: “Do not upload any TV shows, music videos, concerts or commercials without permission unless they consist entirely of content you created yourself.” When one trolls around the YouTube site, it is obvious this warning is not enforced.

However, does the reverse hold true? Does the Fair Use Doctrine allow you to download video clips from YouTube to your training video? The key is to apply the standard fair use test to the video footage that you are planning to use: Is it for non-profit use? Am I using only a small portion of the total work? Will my training usage have minimal, *(if any)* financial impact on the market value of the copyrighted work? My research uncovered two web sites that provide a great deal of analysis and commentary on the specific issue of the Fair Use Doctrine and YouTube - [www.socialtimes.com](http://www.socialtimes.com) and [www.fairusetube.org](http://www.fairusetube.org).

**Videos from other sources (principally television and movies)** - *Can I use clips for training purposes, under the Fair Use Doctrine?* **Generally, yes.** There is a long established fair use practice of allowing such clips to be used, for such purposes as reviews, satire, news reporting, and education. The use of short (30 seconds or less) video clips for non-profit public sector training purposes would clearly fall under the fair use exception to copyright law.
Wikipedia - Can I use information from this website for training purposes, under the Fair Use Doctrine? Generally, yes. Because Wikipedia is a moving target, with the general public constantly adding to, deleting, and editing content, proving who held any type of copyright protection would be almost impossible to establish. Accordingly, Wikipedia is a de facto public domain.

Commercials (print or electronic) - Can I use them for training purposes, under the Fair Use Doctrine? Generally, yes. The legal analysis is similar to that describe above, for TV and movie clips, regarding content, purpose, duration, and lack of financial impact.

Cartoons - Can I use them for training purposes, under the Fair Use Doctrine? Yes. First, many cartoons are old and their copyright, (if they ever had one), may have lapsed. Second, the use of one or two cartoons is minimal compared with the creator’s entire body of work. Third, the use of a few cartoons should have zero economic impact on the market value of the copyrighted work, as a whole.

And here’s the fine print - As with this and all the other information provided in this material, remember that while I am an attorney, I’m not your attorney, and if you have any specific questions or concerns, you should consult with your agency’s Chief Legal Counsel.

And finally in closing, to quote Woody Woodpecker (used without copyright infringement, under the Fair Use Doctrine) -

That’s All, Folks!
Tips for Better Photographs With Any Camera

1. For a camera with a zoom feature, step back as far as possible and zoom in to get the picture composition you wanted. This will limit wide angle lens distortion of an image.

2. Do not center the subject of your photograph leaving blank space at the top of the picture.
3. As much as possible use ambient light instead of flash to make a natural and compelling picture.

4. It is sometimes a good idea when shooting a portrait to slightly elevate the camera above the subject for a more flattering image.

5. The one third rule is a good thing to follow in many photographs. Example, If shooting a landscape do not center the horizon line but place it either one third from the bottom or top of the page depending if the sky or ground is the subject matter.

6. The one third rule reviewed in item 6 also applies to vertical space as well as horizontal space.

7. When photographing any subject it is not necessary or even desirable to capture the entire subject in the frame. Example, consider an aircraft or sail boat; it is often true that a more powerful image can be contrived by limiting the scope of your photograph to a portion of the subject such as the engines or sails to make a more interesting picture.

8. Tip number seven can be taken to a macro level focusing on the most minute detail of the subject matter. This may or may not be possible depending on your camera although keep in mind an image can be cropped to meet your needs.
9. Juxtaposition is a very powerful part of your picture composition. The position of your picture subject relative to another object in the frame can tell a very different story. Consider a beautiful green pasture with nuclear power plant cooling towers in the background or perhaps a photograph of a safe driving bumper sticker on a wrecked junk car. They tell very different stories.

10. The vanishing point can be a very interesting component of an image: consider the railroad tracks stretching into the distance, or perhaps an expressway reaching toward the horizon or an airport runway moving straight to the horizon.

11. Repetition of patterns is a very common tool to create a very interesting image. Patterns surround us in every facet of life and we scarcely are aware of them however they draw us into an image. Consider a series of windows in a building, the lines in a freshly planted field, rows of cars in a parking lot, or the patterns made by bricks in a building. The world is full of examples.

12. Contrast of light and darks in a picture can make or break a photograph. Consider an image of a building showing two brightly lit sides of the building, a much more interesting picture might show one side in bright sunlight with the other in the shadow with the bright sky behind it. This will break the picture into a light/dark/light area making a more compelling image.
13. Empty space is perhaps one of the most underestimated or least understood aspects of composition. It has always been my belief that simplicity is genius. How many times have you been enjoying the most simple piece of art, architecture or music and you hear someone or perhaps yourself say “oh anyone could do that”? But we did not do it, and in fact no one did it until a very clear and concise mind was able to see it in all its simplicity. I challenge anyone to break down any subject into its most simple form. It is not human nature to simplify but to embellish.

14. And one of the most simple but most powerful tools for the photographer is cropping. Many of the above principles can be accomplished with the humble cropping tool. Consider the family picture of your last get-together where everyone looks great except uncle Bob dancing with the lamp-shade on his head. This is the perfect time for the cropping tool.

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