CLEARING *FREE TO RIDE:*
A Lesson in Providing Copyright Support Through All Stages of Creation

The Collaborators:

The Kirwan Institute for the Study of Race and Ethnicity is an interdisciplinary research institute at The Ohio State University, working to create a just and inclusive society through research, engagement, and communication. **kirwaninstitute.osu.edu**

The Ohio State University Office of Legal Affairs provides legal advice and representation to The Ohio State University's colleges, departments, and units and the university's constituent units and affiliated entities. Support includes assistance on matters of creations, acquisition, and protection of intellectual property rights. **legal.osu.edu**

The Copyright Resources Center at The Ohio State University Libraries supports faculty, staff, and students by providing education and guidance on the application of copyright law to facilitate teaching, research and scholarship. **go.osu.edu/copyright**
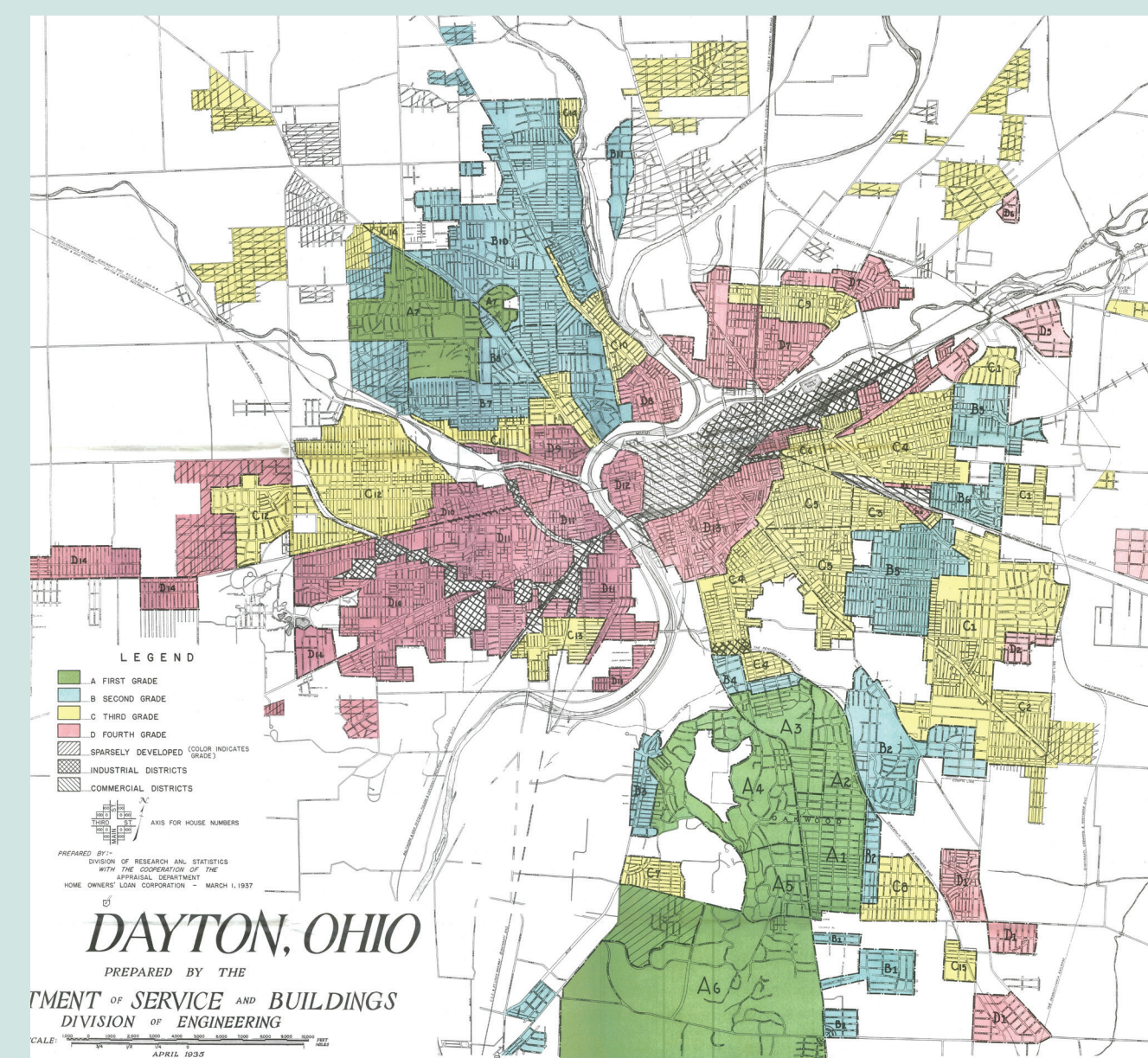
The Project:

In 2017, The Ohio State University's Kirwan Institute for the Study of Race and Ethnicity released *Free to Ride,* a feature-length documentary about Leaders for Equality and Action (LEAD), a coalition who fought for free public transit in Dayton, Ohio. The film unfolds the story of an investigation and ultimate finding of racial discrimination by the Federal Highway Administration as a result of the city's rejection of three bus stops in the Dayton, Ohio suburb of Beavercreek.

Free to Ride explores the issue of public transportation as an issue of civil rights, telling the story of one community's response to the existence and impact of racial discrimination and implicit bias on the community's public decision-making process.

Where We Came In:
Rights Clearance

Two years into production, the Copyright Resources Center was brought into the project through The Ohio State University's Office of Legal Affairs. Our role was to assist with identifying outstanding copyright clearance issues related to copyright in music, images, and b-roll video footage.

kirwaninstitute.osu.edu/freetoride

The Value of Collaboration:

- Leveraging collective knowledge to work through complex processes in order to support research output and increase project reach

- Learning and sharing new skills and information for future projects

- Creating new connections and strengthening established connections across the university and beyond

- New opportunities to highlight the scope, expertise, and value of services offered through the Libraries

Challenges Posed:

Best practice is to start the clearance process as early as possible to provide enough time for identifying and negotiating with rights holders and to allow breathing space for unanticipated hurdles in the process. After-the-fact rights clearance presents additional challenges.

Time
- Non-responsive rights holders
- Initiating new permissions requests
- Being sensitive to established project deadlines

Scope
- Many moving pieces: interviews, film footage, film stills, illustrations, music score and recorded audio, and multiple contracts
- Missing or incomplete permissions

Unpacking Rights
- Determining when permission is required
- Determining if permission came from appropriate source
- Ensuring permission covers all anticipated uses

Creative Problem Solving:

Identify needs quickly. After being updated on the status of the project, we needed to quickly identify remaining rights issues. Given the challenge of time, were there issues that could be quickly addressed? Were there issues requiring more nuanced analysis?

Identify strengths quickly. As one part of the collaborative unit, we needed to assess what we could provide based on our knowledge, time, and resources. Where would our services best be utilized?

Seek opportunities to streamline work. With multiple pieces of music from multiple composers and performers, could we draft a license agreement that would require only minimal changes from group to group? Could we anticipate and capture all needed rights in a single document? Could we build upon existing templates or resources rather than starting from scratch?

Embrace flexible solutions. Working outside the typical process of rights clearance required agile planning. Documents were drafted to adapt to and reflect the current state of the project. When dealing with unknown or unresponsive rights holders, alternative solutions were considered in light of project needs and risk assessment. This included consideration of available statutory exceptions.

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