

# Copyright and Fair Use



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# What is Copyright?

- Legal protection of rights for creators
- Works must be:
  - In a fixed form (tangible)
  - Original
  - Minimally creative (not just facts)





# Copyright owners

- Have exclusive rights to:
  - Reproduce a work
  - Prepare derivative works based on original
  - Distribute copies to the public
  - Perform the work publicly
  - Display the work publicly



# How does this affect me?

- Making a copy of a chapter from a book in the library.
- Incorporating images you found online into a class presentation.
- Printing a poem on a worship bulletin.
- Publishing a multi-media class project on your personal web site.



# Fair Use

- Allows use of copyrighted material without permission in certain cases.
- Powerful, but sometimes complicated.
- Making fair use decisions is a question of risk management.



# Fair Use

- Four factors that govern fair use
  - What is the purpose of the use?
  - What is the nature of the work to be used?
  - How much (amount) of the work will you use?
  - What effect would this use have on the market for the original?



# What is the purpose of the use?

## FAIR USE

- Educational
- Personal
- Criticism
- Commentary
- News reporting
- Non profit
- Research
- **TRANSFORMATIVE**

## NOT FAIR USE

- Commercial
- Profiting from the use
- Entertainment



# What is the nature of the work to be used?

## FAIR USE


- Fact
- Published
- Mixture of fact and imaginative (fiction)

## NOT FAIR USE

- Imaginative (fiction)
- Unpublished (personal correspondence, manuscripts)
- Highly creative (art, music, novels, films, plays)







# How much (amount) of the work will you use?

## FAIR USE

- Small amount
- Portion not central to entire work
- Amount is appropriate for favored educational purpose

## NOT FAIR USE

- Large portion or whole work used
- Portion used is central to or “heart of the work”



# What effect would it have on the marketplace?

## FAIR USE

- Considering first three factors, the proposed use is deemed fair
- Original is out of print
- Copyright owner is unidentifiable

## NOT FAIR USE

- Competes with the original
- Avoids payment for permission
- Numerous copies made
- Repeated or long term use



# Risk Management

- Think about what you are using and how you are sharing it.
- Remember the power of fair use – you can (and should!) be able to use copyrighted materials in your student work.



# Bibliography and Resources

- Crews, Kenneth D. Copyright Law for Librarians and Educators. Chicago: American Library Association, 2006.
- Fair Use Evaluator, Copyright Advisory Network: <http://librarycopyright.net/resources/fairuse/>
- Copyright Crash Course, University of Texas System: <http://guides.lib.utexas.edu/copyright>



# Questions?

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