

Know Your Copy Rights™



Often you can use works in your teaching without permission or fee.

This chart highlights some of those situations. However, there are other circumstances where permission and/or fee are required (for example, when some types of works are included in course packs). Check with your institution's library or legal office for information about campus copyright policies.

What You Can Do		Proposed Use				
		Exhibit materials in a live classroom?	Post materials to an online class?	Distribute readings?	Create electronic reserves?	
Legal Status of Work To Be Used	Works Not Copyrighted	Public Domain Works (US Govt. and pre-1923 works, and certain other works)	Yes	Yes	Yes	Yes
	Copyrighted Works	Your Own Works (if you kept copyright or reserved use rights)	Yes	Yes	Yes	Yes
		Open Access Works (works available online without license, password, or technical restrictions)	Yes	Link	Link	Link
		Electronic Works Licensed by Your Institution (depends on license, but usually permitted)	Yes	Link	Link (Most licenses also allow students to make an individual copy.)	Link
		Electronic Works with a Creative Commons License (depends on license, but usually permitted; if not, LINK)	Yes	Yes	Yes	Yes
		Other Works (when none of above apply)	Yes	Yes , if meets either TEACH Act or Fair Use standards. If not, LINK or seek permission.	Yes , if meets Fair Use standards. If not, LINK or seek permission.	Yes , if meets Fair Use standards. If not, LINK or seek permission.

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Copyright // Fair Use // and You

Information About Copyright and Copying and Scanning Materials for Classroom Use

While we can't all be experts on copyright law, you may be aware of something called Fair Use. Fair Use explicitly allows use of copyrighted materials for purposes such as criticism, comment, news reporting, teaching, scholarship, and research. Rather than listing exact limits of Fair Use, copyright law provides four standards for determination of the Fair Use exemption.

Before making copies or scans, consider the following:

Purpose of use

Copying and using selected parts of copyrighted works for specific educational purposes usually qualifies as fair use, especially if the copies are made spontaneously, are used temporarily, and are not part of an anthology. However, educational use in and of itself does not assure that your use is a fair use. *Transformative uses, uses that result in the creation of a new work, with a new purpose and different character are favored as fair uses over uses that merely reproduce an original work. The more transformative a particular use is the less significant the other factors will be as they weigh against fair use.*

Nature of the work

Factual works, published works and scientific articles that are factual in nature are more likely to be considered available for fair use than are creative, imaginative, artistic, or unpublished works. Additionally, certain "consumable" works, like workbooks and standardized tests, are not likely to be considered available for fair use.

Proportion/extent of the material used:

Duplicating excerpts that are short in relation to the entire copyrighted work or segments that do not reflect the "essence" or of the work is usually considered fair use. Amount and substantiality is also a qualitative measure and at times use of even a small portion of a work may be considered too much to qualify as a fair use if that portion used is considered to be the "heart" of the work.

The effect on marketability

If there will be no reduction in sales (i.e., no economic harm to the copyright owner) because of copying or distribution, the fair use exemption is likely to apply. Do not use copies or scans to substitute for the purchase of a book. ***This is usually the most important of the four tests for fair use.***

Attribution:

All copied and scanned work meant for classroom use should have copyright credit or attribution information included on the front, or first page of a copy or scan. This may be as simple as writing the name and date of the newspaper which you clipped an article from at the top of the article - also making sure to include the author's byline. For any content copied from a book, all pertinent information should be included to identify the copyright owner (i.e., title, author's or editor's name, publisher and publication date, page numbers, etc.).

Also, note that mere attribution or citation does not diminish liability in cases of copyright infringement. In addition, ownership of a book, image, software program, or other work does not automatically confer copyright ownership. The right to copy, display, or otherwise use must be specifically granted (as in the case of certain Creative Commons licenses).

The Service Bureau will provide you with an attribution form when making copy and scan requests.

Additional Resources

<http://www.knowyourcopyrights.org/>

<http://creativecommons.org/>

<http://www.youtube.com/watch?v=io3BrAQL3so>

University of MN Libraries

<http://www.lib.umn.edu/copyright/index.phtml>

http://blog.lib.umn.edu/copyinfo/scenarios/cat_research.html

Digital Millennium Copyright Act

<http://www.gseis.ucla.edu/iclp/dmca1.htm>