

Copyright 411

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Do I Need Permission?

NO

- **Work is in the Public Domain**
Typically works published prior to 1923.
- **Work is produced by the U.S. Federal Government**
- **Work is licensed for use without acquiring permission**
i.e. Creative Commons licensing
- **Library already has license for use**
Database articles are licensed for posting in Sakai
- **Work can be linked to**
Post link in Sakai or URL in course pack or syllabus
- **Usage falls within Fair Use**
(See below)

YES

- Using copyrighted works within course packs
- Posting non-licensed copyrighted works within Sakai
- Photocopying chapters of books or journal articles for class distribution
- Incorporating copyrighted material into newly created works

Fair Use Quick Guide

The law requires consideration of ALL four of the following factors to determine if a use is fair.

1. The purpose or character of the work
2. The nature of the work
3. The amount of the work being used
4. The effect of the use on the potential market or value of the work

(See the back page for detailed information on Fair Use.)

Need Permission?

- Visit the Copyright Clearance Center: <http://www.copyright.com/>
- Enter the title or ISBN/ISSN of the publication.
- Use the check boxes to select the type of permission you need.
- Enter any other required information (publication date, page numbers, number of students, etc.).
- Review order and price.
- Log in and complete transaction.

Understanding Fair Use

A detailed look at the meaning of the four fair use factors

The Fair Use doctrine allows for use of copyrighted materials under certain conditions. To help determine whether a use is fair, the following four factors must be reasonably supported.

1. The purpose or character of the work – Is it for a nonprofit, educational, or commercial use? Is the use of a transformative nature?
Nonprofit and education uses are favored by Fair Use.
Transformative uses are those which lead to the creation of a new and different work for the benefit of society. Transformative works are more likely to be deemed fair than nontransformative ones.
2. The nature of the work – Is it a factual, fictional, or news type work? Is it published?
Fair Use of factual works is easier to show. Use of unpublished works usually is not considered fair.
3. The amount of the work that is being used
Large amounts or key portions considered the heart of the work are not usually accepted as Fair Use.
See page 6 of the U.S. Copyright Office's Circular 21
<http://www.copyright.gov/circs/circ21.pdf> to view generally accepted guidelines for classroom photocopying.
4. Effect of the use on potential market or value of the work – Would the use replace a sale?

Resources for help with Fair Use

- Understanding Fair Use - <http://www.lib.umn.edu/copyright/fairuse>
Further explanation of the Fair Use factors
- Fair Use Determination Tool - <http://www.lib.umn.edu/copyright/fairthoughts>
Interactive checklist to help analyze use