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Copyright and Fair Use

Be confident using materials in your course

Build your course with the best content possible while complying with copyright.

COPYRIGHT

The legal concept of copyright originated in order for owners of original works to have exclusive rights to their work for a period of time. Any work—book, poem, article, photograph, story, sculpture, program, game, recipe—is covered by copyright as soon as it is recorded in a way that may be seen by others.

The length of copyright changed over the years. In the beginning copyright lasted 14 years and then the work entered the public domain. Now an item can be covered for 120 years or longer. Some items are covered up to 70 years¹ after the author's death.

See the iTeachU resources link in footer of this document to learn more about what is and isn't covered by copyright. Don't be stymied; learn more about your rights to wisely use various materials in your classroom.

FAIR USE

Fair use is a guideline consisting of four factors:

- The purpose and character of the use
- The nature of the work being used
- The amount and substance of the work being used
- The effect of the use on real or potential market value

Consider the materials you wish to use. If you are not using the materials for profit, if you have not altered the work in some way, or if you are using materials which are factual such as a portion of an article, you may consider your use fair.

"Copyright law does not exactly specify how to apply fair use, and that gives the fair use doctrine a flexibility that

works to the advantage of users." ² Look to the code of best practices in *Fair Use for Media Literacy Education* ² to understand your rights versus the hype and confusion which surrounds copyright and fair use.

There is a huge body of lore that surrounds what you can and cannot do. While twenty lines of a poem is not okay, especially if it is the heart of the work, spoof the same poem and you're fine.

Use only the amount you need to make your point with your students and seriously consider your reasons for including an item. You are not in compliance with the fourth factor if your thought process includes: "I'm saving the student money. They don't have to buy this book for just this short chapter." When in doubt, obtain permission.

PUBLIC DOMAIN & CREATIVE COMMONS

You can always make something for your course to fit your specific need. If you're not feeling creative, look to the public domain.

When a work is no longer protected by copyright it becomes part of the public domain. This rich collection of resources spans all disciplines. Consider any work published before 1923 in the United States: it's in there!

Many artists and inventors release materials for use by applying a license of their choosing. [Creative Commons](#) is an organization that provides authors with a range of easy-to-implement licenses that work alongside copyright.

LEARN MORE

¹ <http://www.sunsteinlaw.com/practices/copyright-portfolio-development/flowchart.htm>

² <http://www.centerforsocialmedia.org/fair-use/related-materials/codes/code-best-practices-fair-use-media-literacy-education>

