CENTER FOR INNOVATION IN E-LEARNING

Copyright Guidelines

Copyright and Fair Use is a common topic when it comes to education. Copyright is law that protects original creative works. Fair Use allows copyright protected works to be used under certain rules and guidelines. Below are some helpful tips, guidelines and resources to help you with copyright and fair use.
**This does not provide any legal advice and is designed to be used as a helpful guide.*

There are four factors to fair use:

1. Purpose and character of use *(for what purpose would the work be used?)*
2. Amount and substantiality of the portion used in relation to the work as a whole *(how much of it would be used?)*
3. Nature of the work *(what is the nature of it?)*
4. Effect of the use on the market or potential market for the original work *(what effect on the market for that work would the use have?)*

Below is a table to help evaluate the four factors:

	Favoring Fair Use	**Opposing Fair Use**
Purpose	▪ Teaching (including multiple copies for classroom use) ▪ Research ▪ Scholarship ▪ Nonprofit Educational Institution ▪ Criticism ▪ Comment ▪ News Reporting ▪ Transformative or Productive use (changes the work for new utility) ▪ Restricted access (to students or other appropriate group) ▪ Parody	▪ Commercial activity ▪ Profiting from the use ▪ Entertainment ▪ Bad-faith behavior ▪ Denying credit to original author
Amount	▪ Small quantity ▪ Portion used is not central or significant to entire work ▪ Amount is appropriate for favored educational purpose	▪ Large portion or whole work used ▪ Portion used is central to work or "heart of the work"
Nature	▪ Published work ▪ Factual or nonfiction based ▪ Important to favored educational objectives	▪ Unpublished work ▪ Highly creative work (art, music, novels, films, plays) ▪ Fiction

Effect	▪ User owns lawfully acquired or purchased copy of original work ▪ One or few copies made ▪ No significant effect on the market or potential market for copyrighted work ▪ No similar product marketed by the copyright holder ▪ Lack of licensing mechanism	▪ Could replace sale of copyrighted work ▪ Significantly impairs market or potential market for copyrighted work or derivative ▪ Reasonably available licensing mechanism for use of the copyrighted work ▪ Affordable permission available for using work ▪ Numerous copies made ▪ You made it accessible on Web or other public forum ▪ Repeated or long-term use

Based upon a work created by Buttler, D. & Crews, K. D. Copyright Management Center, IUPUI.

Other copyright rules to keep noted:

- Just because you are using it for educational purposes does not mean it falls under fair use.
- If you own the copyright to the work, you can do whatever you want.
- If the materials are not protected by copyright law, you can do whatever you want. (e.g., works created by Federal Government, placed in public domain: creative commons, blank forms, expired copyright)

Helpful Copyright Resources:

- Digital Copyright Slider
- The Copyright Genie
- Fair Use Evaluator
- Exceptions for Instructors in U.S Copyright Law
- Copyright Renewal Database
- The Fair Use Checklist
- Basic TEACH Checklist
- The One-Page Copyright Flow Chart by Thomas J. Tobin
- TTU Libraries Guides (Copyright Librarian: Camille Thomas)
- Creative Commons Website