

Copyright Basics for the Academic Classroom

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Questions to Ask When Borrowing, Copying, or Performing a Work

1. Does your use of the work constitute a fair use?
2. Is the work in the public domain?
3. Do you have permission from the owner of the work?
4. Do you have a license to borrow/copy/perform the work publicly?
5. Does this use fit under the classroom or another statutory exemption?
6. Does this use fit under copyright guidelines?

If the answer to any of these questions is “yes,” go ahead and copy or perform the work. If you answer “no” to all of these questions, either find another source or create your own.

Fair Use Factors and (What Uses Tip in Favor of Fair Use)

1. Purpose and Character of the Use (teaching in a public nonprofit institution)
2. Nature of the Work (nonfiction, published works)
3. Quantity to Be Borrowed (the smallest amount borrowed, that is not the HEART of the work)
4. Marketability of the Work (use of the work does not effect its’ marketability by the copyright owner)

*“Public Domain” [are]
works free to use any way
that you want.*

Public Domain

1. Works free to use any way that you want.
2. Works published before 1923.
3. Works for which the owner/creator has given up all ownership.
4. Most federal government documents.
5. Public domain comes into being 70 years after the death of the creator/owner of the work.

Permission Letter Contents (Get it in writing.)

1. Your name and address;
2. Date;
3. Name and address of copyright owner/creator or publisher;
4. Request for permission to copy work;
5. Work title, copyright date, publisher, place of publication, distributor, other information imperative to the specific work under consideration;
6. How the work under consideration will be used;
7. Number of times the work under consideration will be used;
8. Date by which permission is needed;

9. If the wrong person has been contacted, request for name of the correct person;
10. Inclusion of a self-addressed, stamped envelope;
11. Thank you;
12. Signature of Requestor;
13. Place for owner/creator/publisher to sign and date that permission has been granted.

Licenses

1. A contract purchased by or given to the user by the owner of the work or a clearinghouse designated to represent the owner.
2. The license states specifically in what way the user may borrow, copy, or perform the work.
3. Reminder: contract law supersedes copyright law.

“Classroom Exemption” provides for use of lawfully-obtained copyrighted materials in face-to-face instructions and in transmissions.

Classroom Exemption

1. Provides for use of lawfully-obtained copyrighted materials in F2F instructions and in transmissions.
2. Section 110 of 1976 U.S. Code (U.S. Copyright Act).
3. Use of copyrighted work must be:
 - a. In a nonprofit educational institution;
 - b. In a classroom or similar place of instruction;
 - c. A performance or display that is a regular part of systematic instruction;
 - d. A performance or display directly related to the teaching content.

Guidelines

1. Congressionally created.
2. Not law but helpful when trying to abide by law.
3. Not binding.
4. By following, users are considered to have acted in good faith.
5. Represent minimums rather than maximums.
6. Example of Guidelines: Fair Use Guidelines for Educational Multimedia
 - a. motion media: 10% or 3 min.
 - b. text: 10% or 1000 words
 - c. music/lyrics: 10% or 30 seconds
 - d. illustrations/photos: 5 or 10%
 - e. database: 10% or 2500 cells

Selected Resources

Association for Information Media and Equipment www.aime.org

Butler, R.P. 2004. *Copyright for teachers and librarians*. New York: Neal-Schuman.

Copyright Clearance Center <http://copyright.com>

U.S. Copyright Office www.loc.gov/copyright

Creative Commons (2011). <http://creativecommons.org/>
[Creative Commons develops, supports, and stewards legal and technical infrastructure that maximizes digital creativity, sharing, and innovation.]