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 one 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. (See the explanations below to determine whether your material fits the guidelines.)

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 affect its marketability by the copyright owner)

Public Domain
1. Works free to use any way that you want
2. Works published before 1924
3. Works for which the owner/creator has given up all ownership
4. Most federal government documents
5. Beginning in 2020, works published 96 years ago will enter the public domain every January 1st until 2073; from 2073 onward, works by creators who died 70 years prior will enter the public domain each year.

Permission Letter Contents (Get it in writing!)

“Public Domain” [are] works free to use any way that you want.
COPYRIGHT BASICS FOR THE ACADEMIC CLASSROOM

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 license is 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.

Classroom Exemption
1. Section 110 of 1976 U.S. Code (U.S. Copyright Act)
2. Provides for use of lawfully-obtained copyrighted materials in face-to-face instruction and in transmissions.
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; or
   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

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

Copyright Clearance Center http://copyright.com

Creative Commons (2011). http://creativecommons.org/

[Creative Commons develops, supports, and stewards legal and technical infrastructure that maximizes digital creativity, sharing, and innovation.]

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