COPYRIGHT BASICS

Non-profit, accredited academic institutions follow Fair Use Guidelines and the TEACH Act when using copyrighted works. If a work is in the public domain and/or not protected by copyright, one does not have to follow Fair Use Guidelines and/or the TEACH Act. However, one should assume every work is copyrighted unless you have verification that it is not. If a work is copyrighted, you need to get permission from the copyright holder to use it, or you may be able to use it under Fair Use Guidelines and/or the TEACH Act, if they apply.

The U.S. Copyright Office has issued the following statement on its website re: whether a work is able to be used without acquiring permission from the copyright holder, according to Section 107 of the U.S. Copyright Act (the Four Factors of Fair Use).

“Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair.

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for, or value of, the copyrighted work” (http://www.copyright.gov/fls/fl102.html)

The first factor is the primary indicator of fair use (http://fairuse.stanford.edu/overview/fair-use/four-factors/). If the use is for in-classroom learning by an instructor at a nonprofit, accredited educational institution, with no public access/viewing, then it should satisfy fair use.

The second factor allows more leeway if the work is factual, as opposed to fiction. (Stanford fair use).

According to the third factor, “less is more.” However, if you use only the most memorable aspect of the work, there will be less leeway when using it as fair use.

Again, for the fourth factor, “less is more.” In cases of using books for teaching/learning at a non-profit academic institution, one should purchase the item if there is the need to copy more than just a page or two of it. Students need to realize they cannot copy their friends’ textbooks in order to get out of purchasing their own textbooks, even if it used for “academic learning” or classroom purposes/requirements.

U.S. Copyright Act, 17 U.S.C, Section 107.

The TEACH Act addresses copyright compliance and performance rights issues for online distance learning and/or course management systems at non-profit, accredited academic institutions. However, the institution must meet specific requirements in order to utilize
Items available in the WNCC Library for copyright help:


Copyright and Popular Media: liberal villains and technological change, Trajce Cvetkovski


Copyright Clarity: how fair use supports digital learning, Renee Hobbs, a joint publication with the National Council of Teachers of English

Copyright for Schools: a practical guide, Fifth Edition, Carol Simpson

Copyrights and Copywrongs: the rise of intellectual property and how it threatens creativity, Siva Vaidhyanathan