Copyright and Fair Use
What is Copyright?

• Legal protection of rights for creators

• Works must be:
  – In a fixed form (tangible)
  – Original
  – Minimally creative (not just facts)
Copyright owners

• Have exclusive rights to:
  – Reproduce a work
  – Prepare derivative works based on original
  – Distribute copies to the public
  – Perform the work publicly
  – Display the work publicly
How does this affect me?

• Making a copy of a chapter from a book in the library.
• Incorporating images you found online into a class presentation.
• Printing a poem on a worship bulletin.
• Publishing a multi-media class project on your personal web site.
Fair Use

• Allows use of copyrighted material without permission in certain cases.

• Powerful, but sometimes complicated.

• Making fair use decisions is a question of risk management.
Fair Use

- Four factors that govern fair use
  - What is the purpose of the use?
  - What is the nature of the work to be used?
  - How much (amount) of the work will you use?
  - What effect would this use have on the market for the original?
What is the **purpose of the use?**

**FAIR USE**
- Educational
- Personal
- Criticism
- Commentary
- News reporting
- Non profit
- Research
- **TRANSFORMATIVE**

**NOT FAIR USE**
- Commercial
- Profiting from the use
- Entertainment
What is the nature of the work to be used?

**FAIR USE**
- Fact
- Published
- Mixture of fact and imaginative (fiction)

**NOT FAIR USE**
- Imaginative (fiction)
- Unpublished (personal correspondence, manuscripts)
- Highly creative (art, music, novels, films, plays)
How much (amount) of the work will you use?

<table>
<thead>
<tr>
<th>FAIR USE</th>
<th>NOT FAIR USE</th>
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</thead>
<tbody>
<tr>
<td>• Small amount</td>
<td>• Large portion or whole work used</td>
</tr>
<tr>
<td>• Portion not central to entire work</td>
<td>• Portion used is central to or “heart of the work”</td>
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<tr>
<td>• Amount is appropriate for favored educational purpose</td>
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FAIR USE:
- Small amount
- Portion not central to entire work
- Amount is appropriate for favored educational purpose

NOT FAIR USE:
- Large portion or whole work used
- Portion used is central to or “heart of the work”
What effect would it have on the marketplace?

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<td>• Considering first three factors, the proposed use is deemed fair</td>
<td>• Competes with the original</td>
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<td>• Original is out of print</td>
<td>• Avoids payment for permission</td>
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<tr>
<td>• Copyright owner is unidentifiable</td>
<td>• Numerous copies made</td>
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<td></td>
<td>• Repeated or long term use</td>
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Crews p.45, Columbia University
Risk Management

• Think about what you are using and how you are sharing it.

• Remember the power of fair use – you can (and should!) be able to use copyrighted materials in your student work.
Bibliography and Resources


• Fair Use Evaluator, Copyright Advisory Network: http://librarycopyright.net/resources/fairuse/

• Copyright Crash Course, University of Texas System: http://guides.lib.utexas.edu/copyright
Questions?

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