

Can I Use That? Fair Use for Teaching

Christine Fruin

Associate University Library – Scholarly Communications
George A. Smathers Libraries

○

○

Copyright Law in a Nutshell

- Copyright – federal law
- Protects original works that are fixed in any tangible medium of expression (e.g. books, articles, music, movies, software, web pages).
- Author/Creator holds several exclusive rights, including the right to copy and disseminate, to create derivative works, and to publicly display.
- Since 1989 - no requirement of publication, registration or inclusion of the © symbol.
- Copyright Duration
 - "Public Domain" = expired copyright

Cornell Public Domain Chart
(<http://copyright.cornell.edu/resources/publicdomain.cfm>)



America in a Nutshell by Venmarlo
(Flickr.com CC-BY-NC-SA)

○

○

Copyright: Exceptions for Teaching

- Face to Face Teaching (§ 110(1))
 - Allows performance or display, without permission, of copyrighted works during **face-to-face instruction**.
 - This exception does not provide for copying or distribution of copyrighted works.
- TEACH Act (§ 110(2))
 - Allows digital display and performance of copyrighted works in **online classes (NOT MOOCs)** without permission under **very limited** circumstances.
- Fair Use (§ 107) – PREFERRED!
 - Permits use and reproduction of copyrighted works where purpose of such use is criticism, comment, news reporting, scholarship, research, or education **and** where the balance of four separate factors weighs in favor of such use
 - Applies to all forms of teaching – in class, online, MOOCs

What is Fair Use?

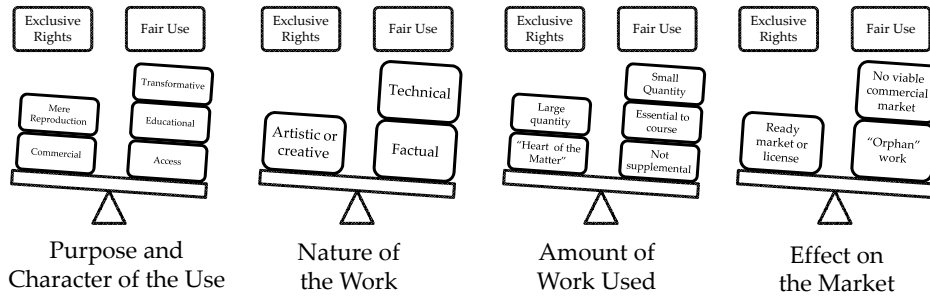
- Exemption from the exclusive rights of a copyright holder
- Educational Use ≠ Fair Use...but...

Educational Use Tips Balance
in Favor of Fair Use

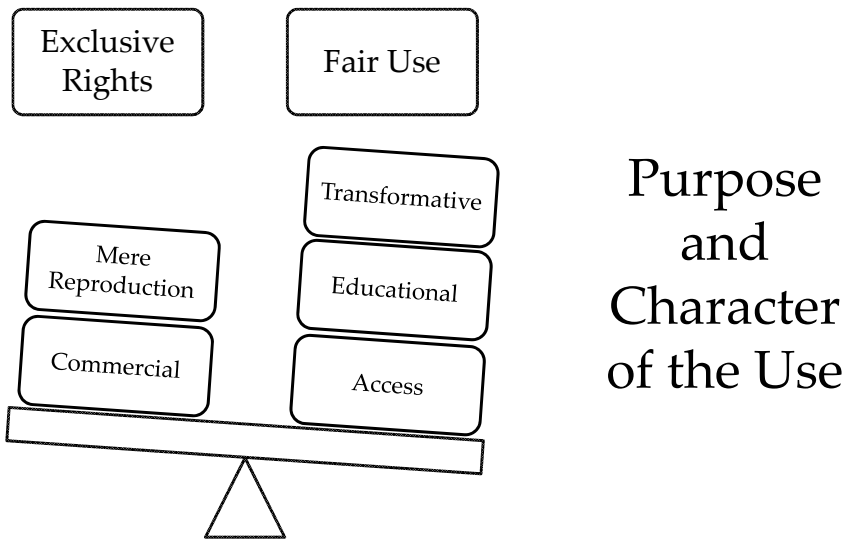
Fair Use Checklist
<http://ufdc.ufl.edu/IR00003647/00001>



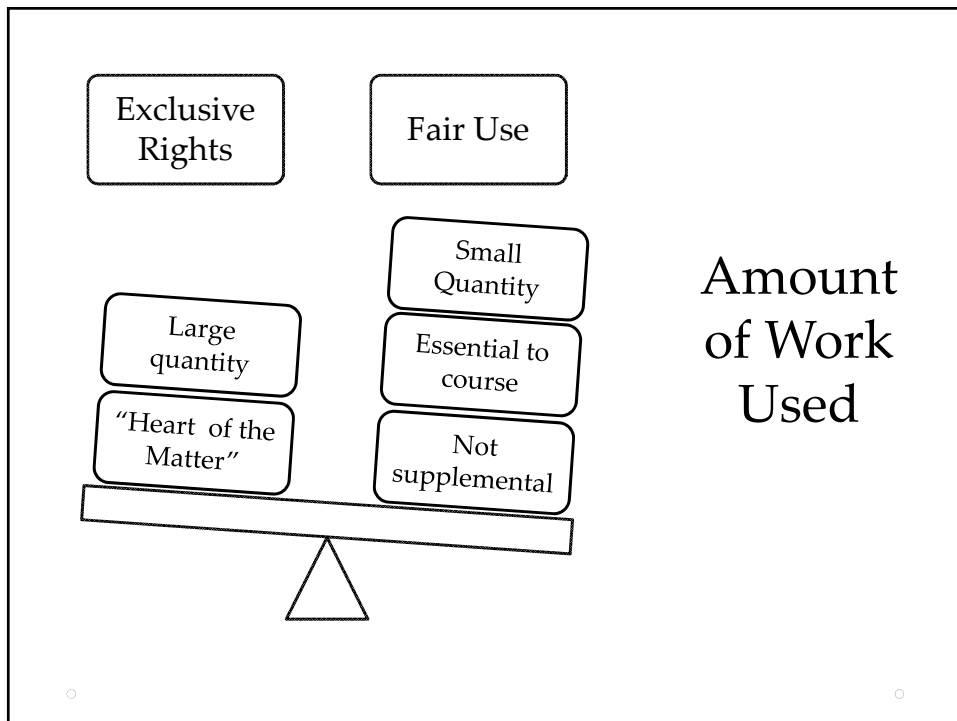
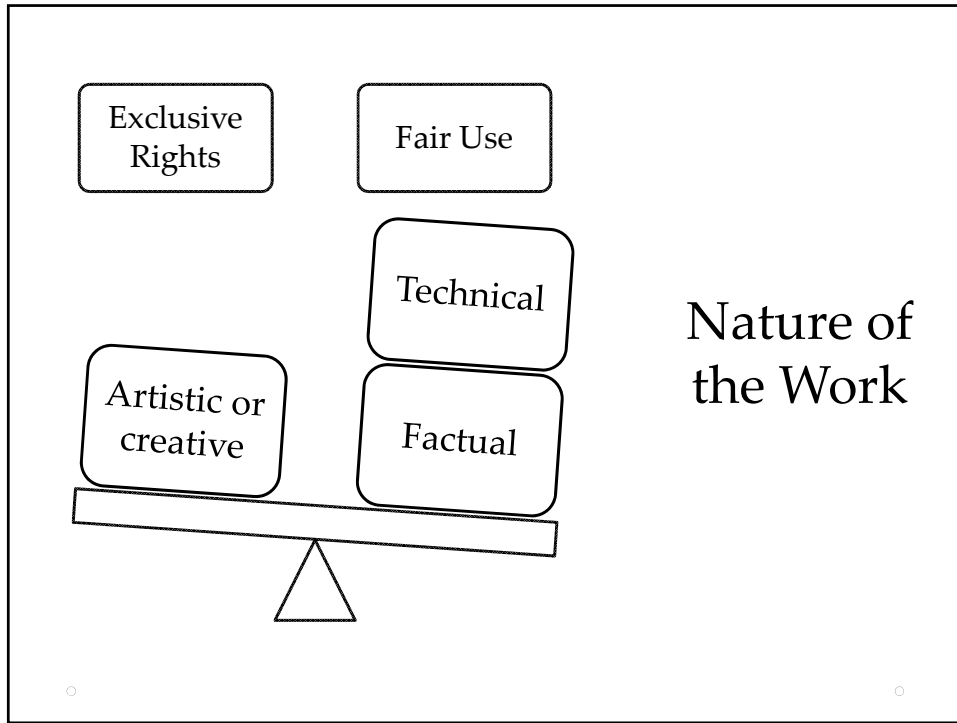
Four Factors of Fair Use

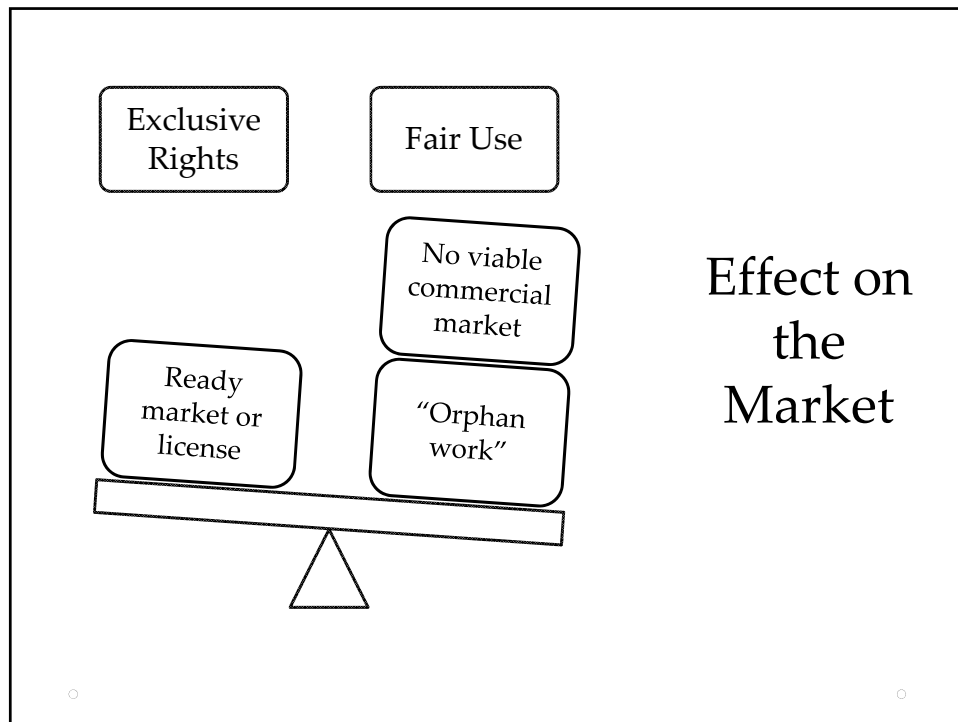


No single factor is determinative – rather, the factors in aggregate should weigh toward fairness




Purpose and Character of the Use





Copyright and Contracts



Digital or Electronic Resources (databases, e-journals, MP3s) – License Agreement or Terms of Use controls how content may be used, even if proposed use is fair use.

Using Copyrighted Works: Text (books, articles, etc)

- May photocopy reasonable quantities of print works for distribution in class – **guidelines are NOT the law**
- May include quotes in lecture slides
- Use a link to the work whenever possible
 - Use Course Reserves – fair use analysis and permissions done for you!
 - URLs not copyrighted
 - License/contract restrictions
 - eLearning – posting materials yourself – conduct fair use analysis and be mindful of possible restrictions
- Look for public domain, open access, or freely licensed (Creative Commons) works

Using Copyrighted Works: Movies and Music

- May perform or display entire works in a face to face teaching setting.
- May embed short clips into lecture slides
- Be wary of YouTube (or any potentially illegal copy)
- Be mindful of licenses/terms of use of digital copies
- Only reasonable and limited portions of dramatic works (e.g. movies) may be digitized and streamed
- Link to free, legal streaming or university licensed content
- Encourage students to make use of legal streaming services (e.g. Netflix, Amazon, etc)
- Guide to Showing Films in Class and on Campus - <http://guides.uflib.ufl.edu/copyright/video>

Using Copyrighted Works: Images

- Image source – legal copy? Google Image Search?
- Charts/Graphs
 - Copyrighted?
 - Reproduction in own hand
- Look for alternatives
 - Creative Commons search
 - <http://search.creativecommons.org>
 - Public Domain Images
 - Library of Congress American Memory Collection (<http://memory.loc.gov/ammem/browse/ListSome.php?format=Photograph>)
 - Public Domain Sherpa (<http://www.publicdomainsherpa.com/public-domain-photographs.html>)

Questions?

- Contact Information:
 - Christine Fruin
 - Email: christine.fruin@uflib.ufl.edu
 - Phone: 273-2710
 - Office: Library West 522
- Resources:
 - Website: <http://guides.uflib.ufl.edu/copyright>
 - Twitter: campuscopyright & UFScholComm