

copyright

[According to the U.S. Copyright Office](#): Copyright is a form of protection provided by the laws of the United States (title 17, U.S.Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- reproduce the work in copies or phonorecords
 - prepare derivative works based upon the work
 - distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending
 - perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audio-visual works
 - display the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work
 - perform the work publicly by means of a digital audio transmission
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Exemptions for Academic world

Special Copyright Provisions for Academia provided by the [Copyright Clearance Center](#).

The Copyright Act contains some specific exceptions for the use of copyright-protected materials by academic institutions. These provisions include:

Section 107 on fair use, which applies to activities such as the use of excerpts for illustration or comment; the unexpected and spontaneous reproduction of classroom materials, and the creation of parodies.

Section 108 on reproduction by libraries and archives, which applies to activities such as archiving; replacing lost, damaged or obsolete copies; patron requests for entire works; and interlibrary loans.

Section 109 on first sale, which permits the resale or lending of copies of works, providing the basis for library lending and the sale of used books.

Section 110 on the use of materials in an educational setting, which permits certain types of content use in the classroom and in distance education.

Fair Use

According to the copyright act: *(in US copyright law) the doctrine that brief excerpts of copyright material may, under certain circumstances, be quoted verbatim for purposes such as criticism, news reporting, teaching, and research, without the need for permission from or payment to the copyright holder.*

These are guidelines for portions of *lawfully* acquired copyrighted works that can be used according to Fair Use as indicated by the [U.S. Copyright Office](#) and the [Conference on Fair Use](#).

Media	Amount Suggested to meet Fair Use
Video	Up to 10% or 3 minutes, whichever is less
Text	Up to 10% or 1000 words, whichever is less; 1 chapter out of 10 chapter book
Music/Lyrics/Music Video	Up to 10%, but no more than 30 seconds
Illustrations/Photographs/Images	No more than 5 images from a single artist; 10% of a published collective works, but no more than 15 works
Data Sets (databases)	Up to 10% or 2500 fields, whichever is less

Evaluate your own use of copyrighted materials.

Purpose

Favors Fair Use	Opposes Fair Use
Classroom/scholarly/research	Commercial/Profit
Non-Profit	Entertainment
Criticism/Comment/Parody	Creator not credited
Transformative	

Nature

Favors Fair Use	Opposes Fair Use
Published work	Unpublished Work
Factual/non-fiction	Creative/Artistic
Important to educational objective	Fiction

Amount

Favors Fair Use	Opposes Fair Use
Small Quantity	Large portion or whole work used
Portion not central to entire work	Using most significant portion of work

Effect

Favors Fair Use	Opposes Fair Use
User purchased original copy of work	Could replace sale of work
One or few copies made	Numerous copies made
No significant effect on the market for the work	Impairs market potential of the work or derivatives
No similar product marketed (such as – no individual electronic chapter of the book is available for purchase)	Portion used could be easily purchased
Restricted Access	Posted to open web
	Repeated or long-term use

Checklist available at http://www.copyright.com/Services/copyrightoncampus/basics/fairuse_list.html.