

## Permission for Use

**Faculty and staff** desiring to use copyrighted materials are **responsible for determining** if Fair Use applies, and if not, for **obtaining permission and paying** any copyright use fees. (*Check with your departments for information about copyright use fees reimbursement.*)

Certain units on campus **may already have received copyright permissions and paid** for materials or can assist with getting permission:

*The Bookstore* will **obtain** necessary copyright permission for course packs to be sold in the store. They handle the clearance process including, handling any payment of fees and collection and payment of royalties.

*FLITE library* purchases journals, books, e-books, subscription databases, videos and DVD's for research and scholarship. Users should investigate whether the items is owned by or available through one of the various full-text databases licensed by the library. **FLITE will assist with obtaining permission** for materials placed on either hardcopy or electronic Course Reserve.

## SEEKING PERMISSION

**Always obtain permission in writing.**  
**Keep all documentation.**

Your letter of request should be on university letterhead, include a self-addressed stamped envelope (if sent by USPS) and clearly state the following information:

- full description (name, title, amount) of the material to be used
- the type(s) of use (research, criticism, education)
- name of course
- number of many students
- duration of use (one week in semester, one semester, every semester)
- method of delivery (hand distributed photocopy, password protected electronic delivery)

# Copyright Basics

## Guide for Understanding Copyright and Fair Use

### The Constitutional Provision Respecting Copyright

*The Congress shall have Power... To  
promote the Progress of Science  
and useful Arts, by securing for limited  
Times to Authors and Inventors  
the exclusive Right to their respective  
Writings and Discoveries.*

United States Constitution,  
Article I, Section 8



**FLITE**  
Ferris Library for  
Information, Technology and Education  
July 2007

**Copyright** is a form of intellectual property protection granted by Federal statute to **original works** of authorship **fixed in a tangible medium** of expression.

**Protection occurs automatically** as soon as the work is fixed and does not require publication or registration with the copyright office.

**Copyright does not exist for facts or ideas**, materials lacking a modicum of originality, or for works created by federal government employees within the scope of their employment.

Copyright provides the owner with the following exclusive rights in a work:

- Right to reproduce
- Right to prepare derivative works
- Right to distribute by sale or otherwise
- Right to perform and display publicly

## Fair Use

The **Fair Use doctrine** included in section 107 of the copyright law provides for **limited use** of copyrighted works **for educational and research purposes** without obtaining permission from the work's owner for the purpose of:

- Criticism
- Comment
- News
- Reporting
- Teaching
- Scholarship
- Research

It is a **set of broad guidelines** rather than explicit rules.

The final **determination depends on a balance**, and does not rely solely on any one factor.

The **burden of proving** fair use falls on the **user** of the copyrighted material.

## Fair Use Guidelines

**1) The purpose and character of the work**  
*(Is the use for a commercial nature or is it for nonprofit educational purposes?)*

**2) The nature of the copyrighted work**  
*(Is it creative or informative?)*

**3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole**

*(How much are you using and how vital is that portion to the whole?)*

**4) The effect of the use upon the potential market for or value of the copyrighted work.**

*(Does the use negatively affect the copyright holder's ability to market or otherwise further profit from the work?)*

## Using copyrighted materials

Copies may be made for the classroom if the fair use guidelines apply. They should **always include a notice of copyright and proper citations**.

Fair Use **does not apply to consumable works**, such as test books etc. No copying of this material is permitted.

**Repeated use** of the same item from term to term **does not fall** within the confines of fair use.

**Electronic content found online is copyrighted!**

This includes web pages, photographs, articles, graphics, sound etc.

In some cases, use of electronic content is more restricted than for print. Permission to use online content is usually required. **Simply just link to the material, rather than making a copy.**

Emails, listserv postings, and blog entries are all copyrighted, fair use must be considered and permission is needed when it does not apply.