

How does this apply to me?

As a student, researcher and future professional **you will encounter copyrighted material**. If you wish to use this material you must do so within the confines of the law.

Current methods of communication, publishing, and broadcasting **provide easy ways** to reproduce, distribute, perform and display another's work. It is in your best interest to **understand how to lawfully use** works created by others.

You may publish your thesis, or post your paper on your website, or a video to uTube etc., these are all methods that might violate a copyright holders rights.

The work **you create** is **also copyright protected!** Know your rights and respect the rights of others, as you wish them to respected yours.

Seeking Permission for Use

You can use copyright protected materials as long as the use meets the fair use guidelines, if not, you need to seek permission.

Always give credit to the author with a proper citation.

PERMISSION REQUEST

Always obtain permission in writing.
Keep all documentation.

Your letter of request should be on university or affiliation 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
- duration of use (one week in semester)
- method of delivery (hand distributed photocopy, password protected electronic delivery)

Copyright and Fair Use

What do you need to know?

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



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Copyright - What is it?

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 or use of the © symbol.

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 - Fair What?

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

Follow these guidelines to determine if a use is fair.

- 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?)

What is copyrighted?

Original creative works of expression **fixed in a tangible medium** are protected by copyright law. **Written words, music, images, graphics.....**

Facts or ideas, can not be copyrighted and materials lacking a modicum of originality.

Works created by federal government employees within the scope of their employment are not protected by copyright.

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. If you can, **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.