

# Guidelines on using copyrighted materials for teaching

Teachers CAN adapt copyrighted materials for online learning!

Include the following statement "certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the educational multimedia fair use guidelines and are restricted from further use"



## What is "fair use?"

Copyright law says the **reproduction** of copyright works for **some educational purposes** is **fair** game. There is a **4-factor test** to know whether the "fair use" principle applies. Consider the **1) purpose, 2) nature, 3) amount,** and **4) effect** of use.

1

### Purpose

Did I reproduce these copyrighted materials for an explicit educational purpose?

Yes!

"Teachers and students have certain rights to publicly display and perform copyrighted works in the classroom"

(Section 110 of U.S. Copyright Law).

Note

### Nature

2

Fair use guidelines are more strict for creative works like poetry, & modern art images.

Is the work factual or informative? Has it been published?

Yes!

3

### Amount

Did I reproduce a brief excerpt of the material only portions needed for learning objectives?

Yes!

Note

Multiple copies of "fair use" content can be made available for classroom use if access is limited to students and for the duration of the course

While there are no explicit rules for length, consider:

- using a single chapter from a book, a portion of a newspaper/magazine, poems less than two pages

4

### Effect

Note

Copyrighted materials should include a citation to the publication and a form of a copyright notice.

Is the material not otherwise reasonably available and affordable to students? Will my use of the material lead to NO harm to the creator?

Yes!

If you answered **Yes!** to these four questions, your use of copyrighted materials for educational purpose is likely covered under the copyright law's "fair use" doctrine.



## When in doubt...

The University of Chicago provides a checklist to guide you when thinking about "fair use." Use the link below or scan the adjacent QR code:

<https://bit.ly/2DEjTun>



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#### Best Practices

- Use for teaching/learning
- Use publicly accessible/published
- Use excerpts of longer texts
- Citing the source
- Use minimal copies

#### When using copyrighted materials



#### Things to Avoid

- Use for entertainment
- Using a commercial activity
- Using unpublished work
- Forgetting attribution
- Using an entire source\*

Learn more below:

<https://bit.ly/3fKT8S9>

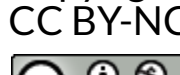
<https://bit.ly/3afaeX7>

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#### References

Copyright Information Center. (n.d.). Retrieved August 11, 2020, from <https://www.lib.uchicago.edu/copyrightinfo/fairuse.html>

Fair Use Guidelines For Educational Multimedia. (2020). Retrieved August 11, 2020, from [http://depts.washington.edu/uwcopy/Using\\_Copyright/Guidelines/Fair.php](http://depts.washington.edu/uwcopy/Using_Copyright/Guidelines/Fair.php)

Copyright in the classroom. (n.d.). Retrieved August 11, 2020, from <https://copyright.universityofcalifornia.edu/use/teaching.html>

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