

# **Fair Use & the Classroom**

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Copyright Liaison

# Exclusive Rights of Copyright Owners

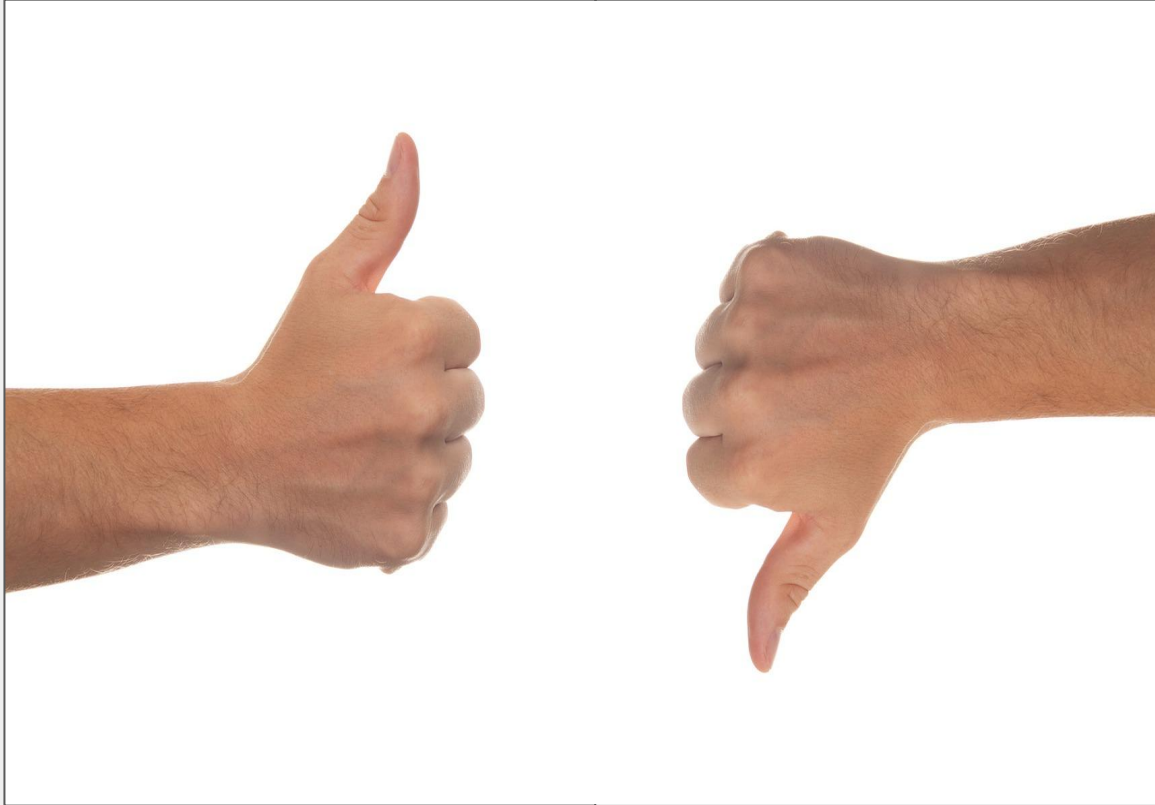
Unless you have permission from the copyright owner you cannot:

1. Make copies of the work
2. Distribute the work
3. Create derivative copies of the work
4. Display the work publicly
5. Perform the work publicly

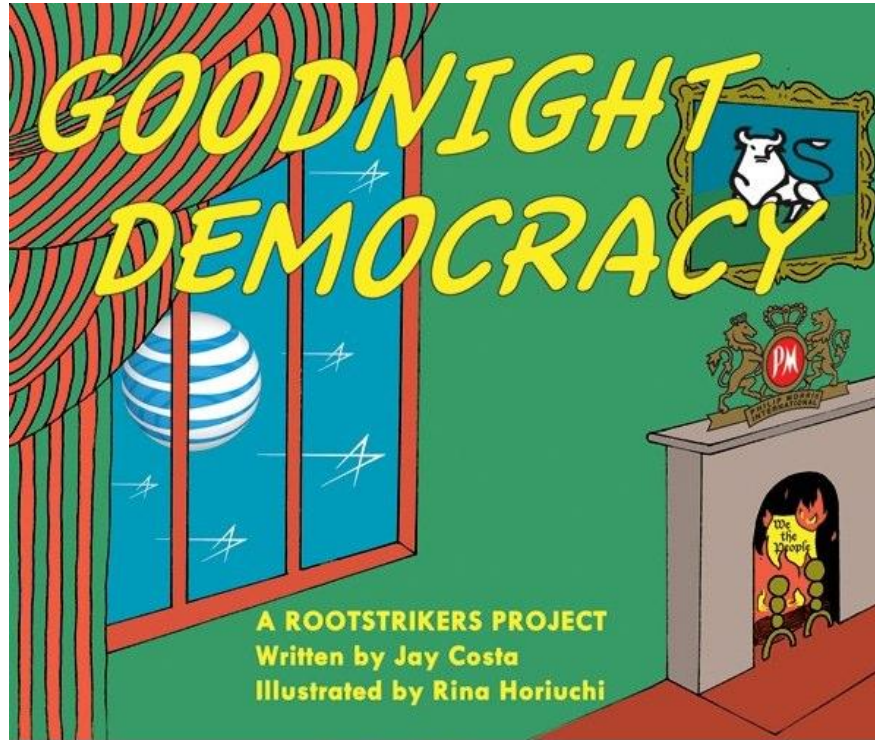
# Fair Use is Flexible

Fair use is a limit on exclusive rights for specific uses and allows for certain uses without permission or payment.

# Commentary and criticism



# Satire and parody



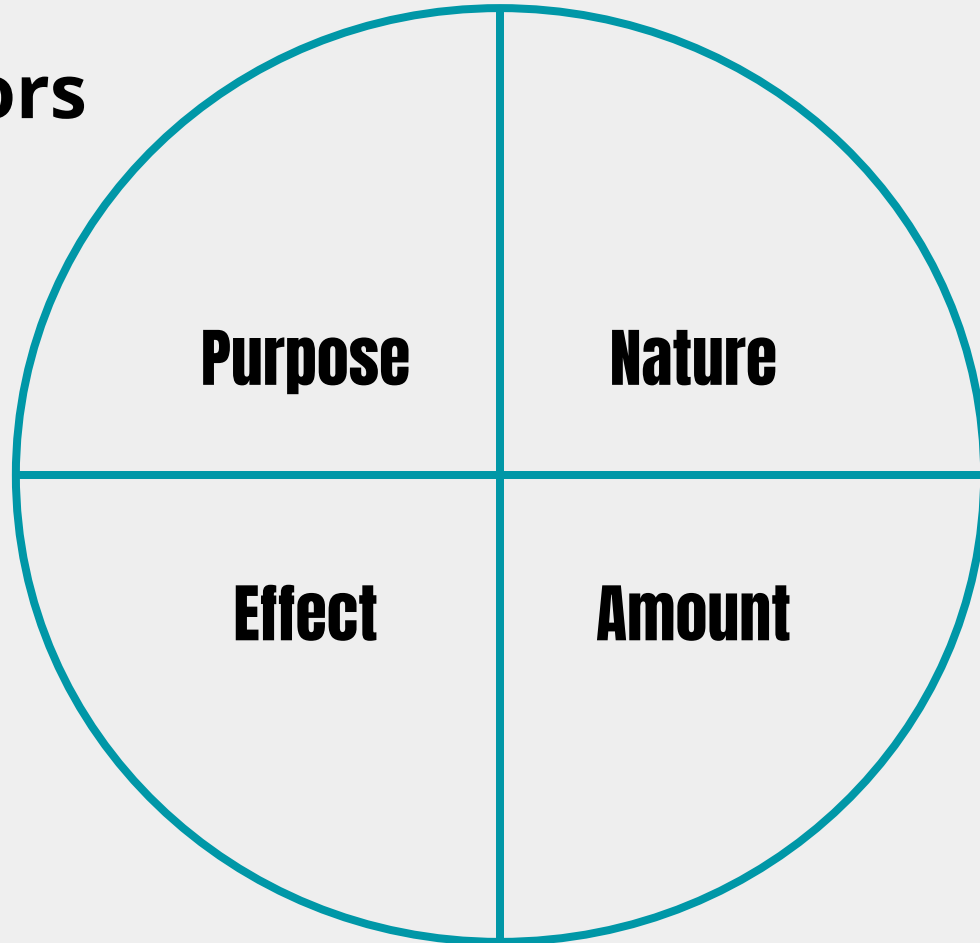
# News reporting



# Teaching and research



# Four Factors



# Balancing Four Factors



# Purpose & character of use

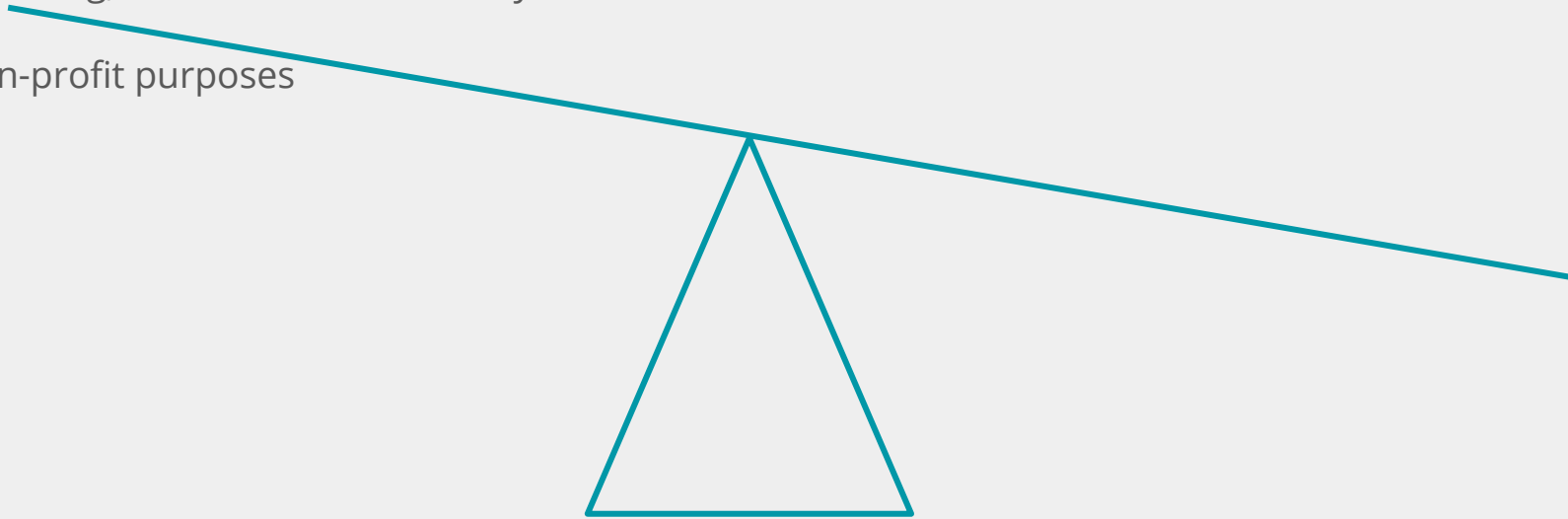
## Favors Fair Use

Education, scholarship, research, news reporting, criticism & commentary

Non-profit purposes

## Does Not Favor Fair Use

Commercial or for-profit purposes



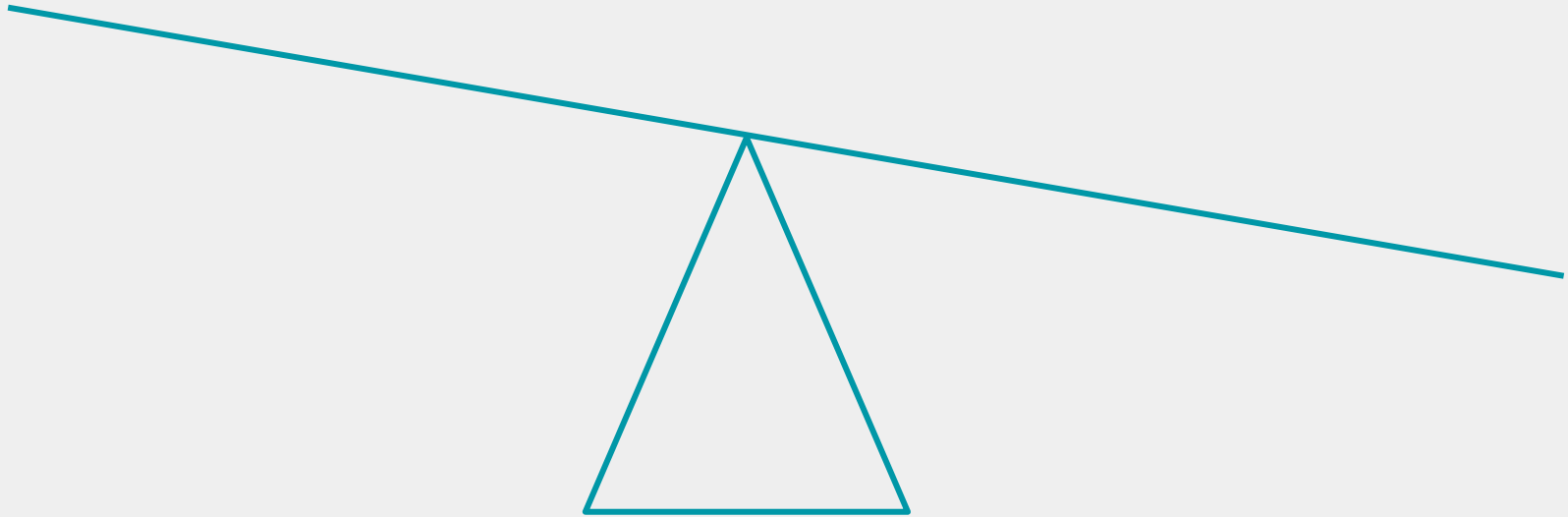
# Nature of Original Work

**Favors Fair Use**

Published work, factual works

**Does Not Favor Fair Use**

Unpublished work, highly creative works



# Amount and Substantiality

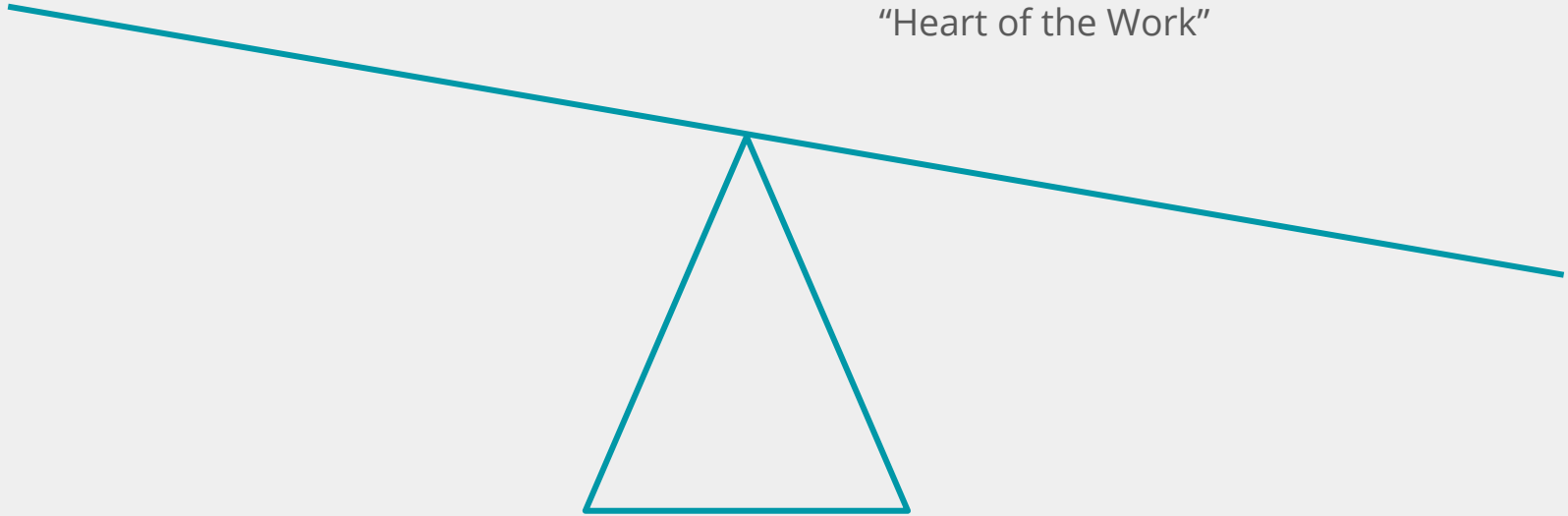
## Favors Fair Use

Smaller amount, Peripheral component of the work

## Does Not Favor Fair Use

Larger amount

“Heart of the Work”



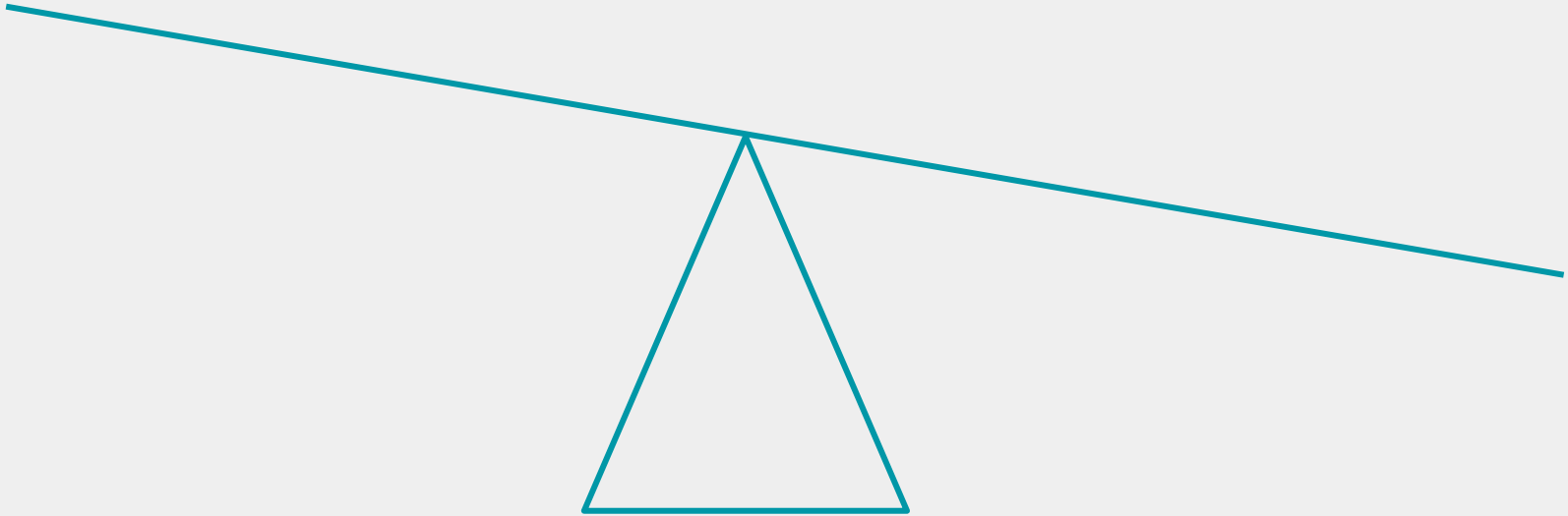
# Effect of use on market

## Favors Fair Use

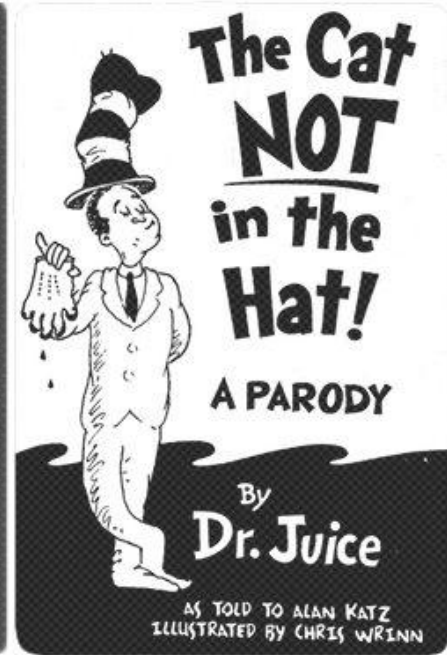
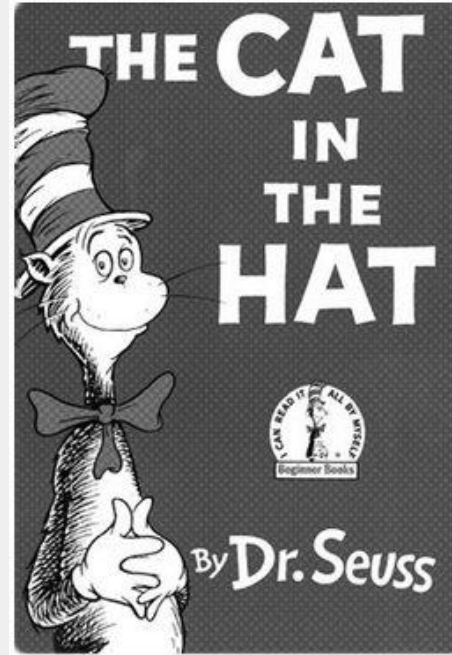
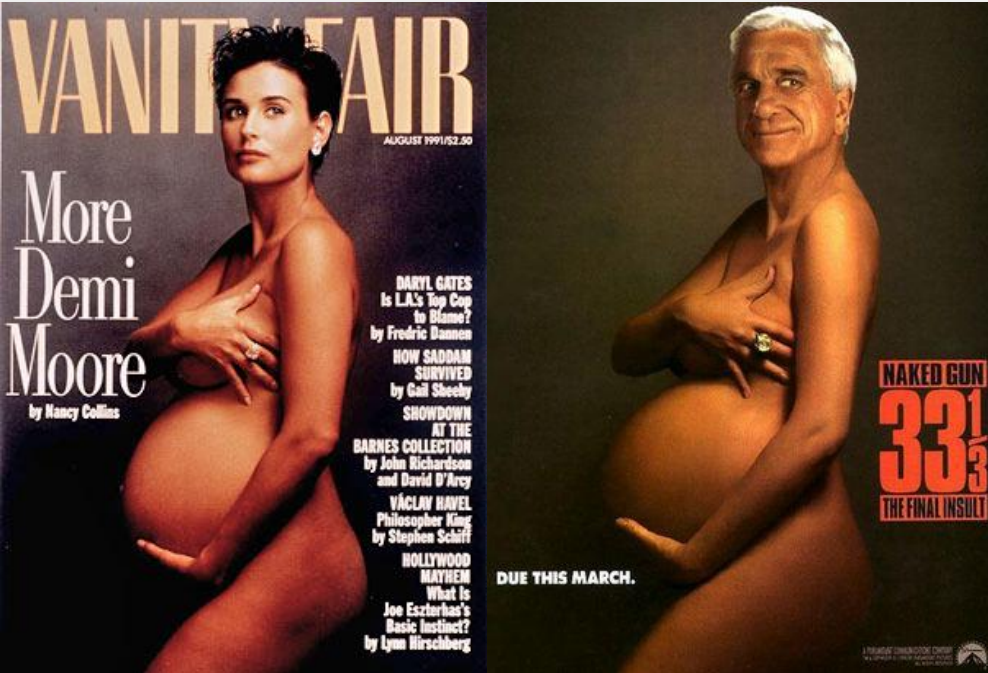
The use does not necessarily replace a sale by the owner

## Does Not Favor Fair Use

The use replaces a sale that the owner could have made.



# Transformative



# Fair Use Evaluator

[www.librarycopyright.net/resources/fairuse/index.php](http://www.librarycopyright.net/resources/fairuse/index.php)



# Fair Use Evaluator

## What this tool can do for you:

- Help you better understand how to determine the "fairness" of a use under the U.S. Copyright Code.
- Collect, organize & archive the information you might need to support a fair use evaluation.
- Provide you with a time-stamped, PDF document for your records [\[example\]](#), which could prove valuable, should you ever be asked by a copyright holder to provide your fair use evaluation and the data you used to support it. [\[why is this important?\]](#)
- Provide access to educational materials, external copyright resources, and contact information for copyright help at local & national levels.



Make a Fair  
Use  
Evaluation



Learn More  
about Fair  
Use

## What this tool cannot do for you:

- This tool does not provide legal advice. It records the information you provide it as well as your own judgment on the fairness of the use. See the tool [\[disclaimer\]](#) for more information.
- Only a court of law can definitively rule on whether a use is fair or unfair. This tool does not assume or predict a court outcome.

# Upcoming Copyright Webinars - Spring 2018

## Creative Commons and the Public Domain

Thurs. March 15

## Copyright Basics for Online Teaching

Thurs. April 5

All sessions:

- 12-1pm
- Online via Blackboard Collaborate
- Recordings will be posted online at <http://www.codlrc.org/copyright>
- Registration is encouraged  
<http://libcal.cod.edu/calendar/sos>  
Receive a reminder with session URL prior to event

Recordings and presentation slides available online at [www.codlrc.org/copyright/webinars](http://www.codlrc.org/copyright/webinars)