

# Copyright and Fair Use Guidelines for Educators

## 1 What is it?

The goal of copyright is to encourage people to create new works but to also balance it with the rights of others to use those works under certain conditions. In the United States, copyright had its beginnings in the U.S. Constitution. It is a federal law that determines ownership of creative works such as images, text, and music. Making a copy and/or distributing a copy of a work is the sole purview of the copyright owner subject to an exception. The law carves out exceptions such as fair use for people to use other people's copyrighted work without obtaining permission or paying a fee. Works that do not have copyright protection are works created by U.S. government employees as part of their job and works published in the U.S. prior to 1923. Works that do not have a copyright are in the public domain and can be freely used.

## 2 Why is it important?

All works that are eligible under the copyright law are protected for the entire life of the creator plus 70 years after they die. Since copyright lasts for an incredibly long time, the exceptions become even more critical when using works that you did not create. In an online environment posting a video, or a picture or any other work protected by copyright requires either permission from the copyright owner or covered by one of the exceptions under the copyright law. Using works illegally is called copyright infringement and infringers can be fined between \$750 - \$150,000 per infringement and possibly more depending upon the level of infringement.

## 3 How to do it?

For copyright owners: All works that are original and fixed in a tangible medium of expression

receive automatic copyright protection under the U.S. Copyright Act. Owners of copyrighted works may register their works with the [U.S. Copyright Office](#), but it is not required. A copyright notice – Copyright or ©, year or creation, the name of the copyright owner – is also no longer required but strongly recommended.

### Before using materials for your own use:

1. Determine if the work is protected by copyright.
2. If the work is in the public domain, then use it and no further steps need to be taken.
3. If the work is protected, then apply fair use or one of the other exceptions under the U.S. Copyright Act.
4. If none of the exceptions apply, then the user must obtain permission from the copyright holder.

## Copyright Exceptions

**Fair use** is an exception under the U.S. Copyright Act. [For more detailed information](#)

**Fair Use** – Fair use is a four-factor test that is designed to help users decide if the planned use of the work is fair under the law.

- Purpose and character
- Nature of work
- Amount
- Market effect

[Creative Commons](#) is a non-profit organization that provides non-exclusive licenses for copyright owners to share their works under certain conditions.

## Tips and Tricks

- **Review the Copyright** – Open Educational Resources (OER) materials are often free to use for educational purposes, typically using the



[Creative Commons Copyright licenses](#). (See Open Educational Resources)

- If possible use public domain works – Works by U.S. Government employees and pre-1923 works.
- If the copyright holder does not grant permission or respond to permission requests, consider substituting something similar.
- Always use a legally obtained copy of the copyrighted work. On the internet, a legal copy is one that was posted by the copyright owner or by someone who had the copyright owner's permission. A legal copy of a physical item such as a book or DVD is one that was purchased legally.

## 4 Additional Resources

If you are at Purdue and interested in exploring copyright or have questions about the use of your course materials, please reach out to the University Copyright Office and email Donna Ferullo, Director, at [ferullo@purdue.edu](mailto:ferullo@purdue.edu).

Below is a brief list of copyright resources open to the public:

- [Copyright for Faculty](#): Copyright Basics: US copyright laws and how is it related to education
- [Copyright and Fair Use - Common Scenarios](#): One-stop shop for understanding Copyright and Fair Use especially in regards to legal use of teaching materials:

Copyright exceptions. (n.d.). Retrieved from

[https://www.lib.purdue.edu/uco/CopyrightBasics/fair\\_use.html](https://www.lib.purdue.edu/uco/CopyrightBasics/fair_use.html)

Copyright law of the United States. (n.d.). Retrieved from

<https://www.copyright.gov/title17/>

Fair use checklist. (n.d.). Retrieved from

<https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>

## 5 References