

©in Education

What is
Copyright and
Fair Use?



Copyright refers to the author's (creators of all sorts such as writers, photographers, artists, film producers, composers, and programmers) exclusive right to reproduce, prepare derivative works, distribute copies, and publicly perform and display their works. These rights may be transferred or assigned in whole or in part in writing by the author. Unless otherwise agreed in writing, work created by an employee is usually owned by the employer. The U.S. Copyright Act gets its authority from Article 1, [Section 8](#), cl. 8 of the U.S. Constitution.

Fair use is an exception to the exclusive protection of copyright under American law. It permits certain limited uses without permission from the author or owner. Depending on the circumstances, copying may be considered "fair" for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research. To determine whether a specific use under one of these categories is "fair," courts are required to consider the following factors:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole (is it long or short in length, that is, are you copying the entire work, as you might with an image, or just part as you might with a long novel); and
4. the effect of the use upon the potential market for or value of the copyrighted work.

(This information is provided by the Library of Congress Website at
<http://www.loc.gov/teachers/usingprimarysources/copyright.html>)

Copyright and FairUse Guidelines for Teachers

This is a chart that gives teachers guidelines for copyright.

http://www.halldavidson.net/copyright_chart.pdf

Reproduction of Copyrighted Works by Educators and Librarians

This is Circular 21 produced by the Copyright Office concerning the reproduction of poetry, prose and music in the education setting.

<http://www.copyright.gov/circs/circ21.pdf>

Copyright Law of the United States

This is Circular 92

<http://www.copyright.gov/title17/92chap1.html>

