

Fair Use Guidelines

If you ever **distributed a short excerpt from a larger work for your class to read** or **displayed a video clip from youtube.com to illustrate a teaching concept** it is likely that you were exercising your fair use rights or face-to-face teaching rights under copyright law.

The sections below explain Fair Use guidelines for each type of use.

Guidelines for Course packs

The Classroom Guidelines that were negotiated in 1996 are written in a very accessible, common sense fashion. You can read them [here](#) if you wish. These guidelines are what we derive Clark's guidelines for course packs from. The guidelines for course packs include:

1. **Limit course pack materials to:**

- single chapters;
- single articles from a journal issue;
- single charts, graphs or illustrations;
- other similarly small parts of a work.

2. **Include:**

- any copyright notice on the original
- appropriate citations and attributions to the source.

3. **Obtain permission for materials that will be used repeatedly by the same instructor for the same class.**

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Guidelines for Course Management Systems

The following information is based on [Cornell's Electronic Course Content Guidelines](#) and the [CONFU Educational Fair Use Guidelines for Distance Learning](#).

Copyright law of the United States (Title 17 of the United States Code) governs making of photocopies or other reproductions of copyrighted material. The making of an electronic copy of a copyrighted work by any means (e.g., scanning, digitizing, ripping, etc.) constitutes reproduction that is governed by copyright law. The copyright principles that apply to instructional use of copyrighted works in electronic environments are the same as those that apply to such use in paper environments. **Any use of copyrighted electronic course content that would require permission from the copyright owner if the materials were part of a printed coursepack (previous section) likewise requires the copyright owner's permission when made available in electronic format.**

There are Fair Use options for protection for copying or disseminating copyrighted works without obtaining permission from the copyright owner under certain circumstances. They apply to both paper and electronic environments.

- 1. Permission may be required for the use of copyrighted material as electronic course content even when such material is:**
 - available elsewhere on the internet;
 - being used in a course for the first time; or
 - characterized for purposes of course use as optional, supplemental, or ancillary reading material, rather than as required, assigned, or recommended reading material.
- 2. Link to materials already legally available at another site rather than scanning or making a digital copy whenever possible.**
- 3. No one should post course content consisting of copyrighted works or portions of such works in electronic form without first either:**
 - obtaining the permission of the copyright owner, or
 - concluding after reasonable inquiry, that the use qualifies as a fair use or other exempt or licensed use for which permission is not required.
- To the extent technologically feasible, instructors should use passwords, ID numbers, or other appropriate means to **limit access to copyrighted electronic course content to students enrolled in the course or other individuals requiring access to the course materials for purposes of conducting the course.** The availability of such content to students should terminate when the students have completed the course.
- 5. Limit materials to**
 - single articles or chapters; several charts, graphs or illustrations; or other small parts of a work
 - if performance of others' works that a sparing portion is used
 - a small part of the materials required for the course
 - copies of materials that a faculty member or the library already possesses legally (i.e., by purchase, license, fair use, interlibrary loan, etc.).
- 6. Copies of copyrighted works, regardless of their format, should include proper attribution and copyright notices.**
- 7. Instructors should not direct or encourage students to print unauthorized copies of course content. Students seeking information about how to make or acquire personal copies for purposes of private study, scholarship, or research should be directed to consult available resources.**
- 8. Obtain permission for materials that will be used repeatedly by the same instructor for the same class.**

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Guidelines for Electronic Reserves

The [CONFU Guidelines for Electronic Reserve Systems](#) describe general limitations on the scope of materials that should be included, citation and notice requirements and access, use, storage and reuse of reserve materials. The following guidelines are an abbreviated summary of the [CONFU](#) terms which provide helpful guidance that we recommend you review.

1. **Limit reserve materials to**

- single articles or chapters; several charts, graphs or illustrations; or other small parts of a work
- a small part of the materials required for the course
- copies of materials that a faculty member or the library already possesses legally (i.e., by purchase, license, fair use, interlibrary loan, etc.).

2. **Include**

- any copyright notice on the original
- appropriate citations and attributions to the source
- a [Section 108\(f\)\(1\)](#) notice.

3. **Limit access to students enrolled in the class and administrative staff as needed. Terminate access at the end of the class/semester.**

4. **[Obtain permission](#) for materials that will be used repeatedly by the same instructor for the same class.**

Guidelines for Research

Limit research copies to:

- single chapters
- single articles from a journal issue
- several charts, graphs, illustrations
- other similarly small parts of a work.

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Guidelines for Digitizing and Using Images

The [CONFU Educational Fair Use Guidelines for Digital Images](#) suggest that fair use requires our libraries to request permission to use images at the same time they are digitized. Our guidelines take a different approach, but in other respects, the [Guidelines](#) can provide helpful guidance and we recommend that you read them.

For more information about digitizing images and other non-text media, see "[Advanced Topics in Copyright Law: The Library, the University Press and the College of Fine Arts are Here to See You, Counselor](#)". The document is full of very useful scenarios that often apply in the course of teaching and learning. In particular, the third section addresses issues that typically arise in the Fine Arts.

1. **Is the image you wish to digitize readily available online or for sale or license at a fair price?**
 - **If YES:** Point to, purchase or license the image. Do not digitize it unless you are in the process of negotiating a license. If you have a "contract pending," digitize and use the image in accordance with these Rules of Thumb until the license is finalized and you have received the licensed digital image.
 - **If NO:** Digitize and use the image in accordance with the following limitations:
 - Limit access to all images except small, low resolution "thumbnails" to students enrolled in the class and administrative staff as needed. Terminate access at the end of the class/semester.
 - Faculty members also may use images at peer conferences.
 - Students may download, transmit and print out images for personal study and for use in the preparation of academic course assignments and other requirements for degrees, may publicly display images in works prepared for course assignments etc., and may keep works containing images in their portfolios.
2. **Periodically review digital availability. If a previously unavailable image becomes available online or for sale or license at a fair price, point to or acquire it.**
3. **Limit access to students enrolled in the class and administrative staff as needed. Terminate access at the end of the semester.**

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Guidelines for Multimedia Materials

The [CONFU Fair Use Guidelines for Educational Multimedia](#) suggest that fair use requires adherence to specific numerical portion limits, that copies of the multimedia work that includes the works of others should be strictly controlled, and that fair use "expires" after 2 years. Our guidelines acknowledge that these are important considerations, but the CONFU Guideline numbers do not describe the outer limits of fair use. Despite their tightly controlled approach, the CONFU Guidelines can provide helpful guidance and we recommend that you read them.

Please keep in mind that the guidelines described here are rights to **create** unique works, **but not to make multiple copies and give them out (distribute them)**.

1. **Students, faculty and staff may**

- incorporate others' works into a multimedia work
- display and perform a multimedia work

in connection with or creation of

- class assignments
- curriculum materials
- remote instruction
- examinations
- student portfolios
- professional symposia.

2. **Be conservative. Use only small amounts of others' works.**

3. **Don't make any unnecessary copies of the multimedia work.**

4. **Limit access to students enrolled in the class and administrative staff as needed. Terminate access at the end of the semester.**

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Guidelines for Music

The Guidelines for [Educational Uses of Music](#) provide helpful guidance and we recommend that you read them.

1. **Limit copying as follows:**

- sheet music, entire works: only for performances and only in emergencies
- sheet music, performable units (movements, sections, arias, etc.): only if out of print
- student performances: record only for teacher or institutional evaluation or student's portfolio
- sound recordings: one copy for classroom or reserve room use

2. **Include**

- any copyright notice on the original
- appropriate citations and attributions to the source.

3. **Replace emergency copies with purchased originals if available.**

4. **If posting online, limit access to students enrolled in the class and administrative staff as needed. Terminate access at the end of the class/semester.**

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