

# Copyright for Instructors

More at [www.cgcc.edu/library/copyright-and-fair-use](http://www.cgcc.edu/library/copyright-and-fair-use)

## WHAT IS COPYRIGHT?

### Copyright is a Limited Monopoly

- Monopoly created by law
- Exclusive rights for a limited time
- Incentive to keep creating
- Need permission of author to use materials
- Need to pay to use materials



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## EXCEPTIONS TO COPYRIGHT

### Fair Use

- Exceptions written into the law to use materials without permission
- Examples: research, teaching, criticism, reporting, and parody

### TEACH Act

- Acronym stands for: Technology, Education and Copyright Harmonization
- Exceptions to copyright *specifically for distance education*
- Materials must be behind a password-protected wall, access limited to only currently enrolled students

### Public Domain

- No copyright owned by anyone
- Copyright has expired or was never copyrighted at all
- Can use any public domain material with no restrictions



## ALTERNATIVES TO COPYRIGHT

### Creative Commons License

- Authors chose to waive certain rights
- Generally speaking, Open Educational Resources (OERs) use CC licenses
- <https://creativecommons.org/>



# FRAMEWORK FOR ANALYSIS

Ask in order– you may not need to go through entire list

## 1. Is the work protected by copyright?

- Is the work I want to use protected by copyright, or is it in the public domain?
- If I wrote it, do I still own copyright, or did I sign over rights for my intended use to the publisher?

## 2. Is there a specific exception in copyright law that covers my use?

- Is my intended use covered by a specific exception to the exclusive rights in the copyright law, such as for libraries or for classroom performances and displays?

## 3. Is there a license that covers my use?

- Is there a Creative Commons license attached to the work? If so, can I comply with the terms of the license, or can I find another work that is CC-licensed?
- If affiliated with an educational institution, is there a license that governs how

## 4. Is my use covered by fair use?

- Four factors for fair use are:
  - The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
  - The nature of the copyrighted work
  - The amount and substantiality of the portion used in relation to the copyrighted work as a whole
  - The effect of the use upon the potential market for or value of the copyrighted work

- Questions for transformative fair use under factor one are:
  - Does the copyrighted materials help me make my new point?
  - Will it help my readers or viewers get my point?

## 5. Do I need permission from the copyrighted owner for my use?

- If so, first locate the copyright owner and fully explain your intended use in your permission request
- If no response or answer is no, reconsider your use of this work to see if you

Taken from handout “A Framework for Analyzing any Copyright Problem” by Kevin Smith and Lisa Macklin. Creative Commons Attribution Share Alike License 4.0 

