Copyright and Fair Use Overview
Eckerd College Library

In your courses at Eckerd College you may frequently incorporate readings from books, periodicals, and other sources that are protected under copyright law. Fair use may protect educators in the use of some copyrighted materials, but not all academic contexts are considered fair use.

Copyright law can be complex. It is important to understand the basics so we can apply a good faith effort to ensure we are in compliance with copyright law. This handout and the additional online Copyright & Fair Use Guide (http://libguides.eckerd.edu/copyright) are intended to provide you with a starting point for evaluating your course readings for compliance with current copyright law.

When do I need to consider copyright law?
In education, copyright issues arise anytime you...

- Post a reading to your course Moodle page
- Distribute copies of readings in class
- Add readings to library course reserves
- Show images, graphs, or videos to your class
- Use images in a handout or brochure
- Share a reading or article via e-mail

Public Domain
Works in the public domain are considered "public property" and can be used by anyone, without the need to seek permission. They may consist of works whose copyright have expired (see Copyright Terms), works placed in the public domain by their creators, works ineligible for copyright protection, and works created by the government.

What other models exist for sharing copyrighted work?
Modern approaches to copyright take the form of alternative licensing practices and access models that provide content creators with more options for sharing their work. These consist of Creative Commons licenses and Open Access journals. In both cases, original authors maintain the copyright to their works (if they choose to), but are only choosing to make their work more accessible.

Classroom Use Exemption
Copyright law allows for the display or performance of copyrighted works as long as it is

- For instructional purposes
- In face-to-face teaching, and
- At a nonprofit educational institution

<table>
<thead>
<tr>
<th>Copyright Terms</th>
<th>Status</th>
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<tbody>
<tr>
<td>Work published</td>
<td>Status</td>
</tr>
<tr>
<td>- Before 1923</td>
<td>Public domain</td>
</tr>
<tr>
<td>- 1923-1977 without © notice</td>
<td>Public domain</td>
</tr>
<tr>
<td>- 1923-1963 © not renewed</td>
<td>Public domain</td>
</tr>
<tr>
<td>- 1923-1963 © renewed</td>
<td>Pub. Date + 95 years</td>
</tr>
<tr>
<td>- 1978 - 2002</td>
<td>Varies</td>
</tr>
<tr>
<td>- After 2002</td>
<td>Life + 70 years</td>
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Maximizing Fair Use Rights
When the classroom use exemption does not apply, Section 107 of the Copyright Law provides allowances for the fair use of copyrighted materials "for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research." Note: Educational use is not always fair use. Use the Four Factors of Fair Use Checklist (handout) to determine whether your use of a work will fall under fair use guidelines.

In addition, a number of communities of practice have published Best Practices in Fair Use, which provide scenarios for how fair use rights apply to common educational situations. These include:

- Code of Best Practices for Media Literacy
- Code of Best Practices in Fair Use for Online Videos
- Society for Cinema and Media Studies’ Statement of Best Practices for Fair Use in Teaching for Film and Media Educators
- Code of Best Practices in Fair Use for Poetry
- Code of Best Practices for Academic and Research Libraries
If you wish to post individual readings to your course Moodle page, it is best to start by determining whether you need to seek permission in the first place.

**Do you need to seek permission?**

- Is the work you want to use in the public domain? Check [copyright terms](#).
- Is the work you want to use published in an open source journal? Identify the publisher of the journal and see if it is listed in the [Directory of Open Access Journals](#), a comprehensive list of open access scientific and scholarly journals.
- Does the work have a Creative Commons License attribution? If it does fall under Creative Commons licensing, note what type of license and follow any attribution instructions.

If you answered YES to any of the questions above, you do not need to seek permission to use the work.

If your reading is under copyright, follow the steps below:

**Using Course Readings in Moodle – Three Questions:**

1) Is your reading available through Eckerd College Library’s databases?
   - YES. Post persistent link on your course Moodle page. See instructions on the Online Copyright Guide and ask a librarian if you need more assistance.
   - NO. See question 2.
   - **NOTE** – As part of our licensing practices, the library has already negotiated classroom use for the majority of our databases and e-journals, but use of persistent links is required for this agreement. E-Books are included but have different access restrictions. Talk to a librarian for more information.

2) Does your use of the work fall under current Fair Use guidelines?
   - YES. Proceed to Question 3.
   - NO. Seek permission from the original copyright holder or through the Copyright Clearance Center. This may require purchasing permissions. Then scan and post the reading to your course Moodle page, including full citation and a copyright notice. Alternatively, create a course pack through the bookstore.
   - **NOTE** - One common situation that IS NOT consistent with fair use is using the same reading in a class year after year. It is recommended that permission be obtained for these readings. Another option is to find alternative readings to use instead.

3) If your use falls within fair use guidelines, did you or the library legally obtain the item?
   - YES. Scan the reading and post the PDF to your course Moodle page, including a full citation to the original source of the reading.
   - NO. Obtain a legal copy through your discipline, collegium, or library. Then scan and post the reading to your course Moodle page, including full citation and a copyright notice. A legal copy is one purchased by you, your discipline, or the library. Materials acquired through interlibrary loan are not legal copies.

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