Copyright is the legal protection that grants to the owner the right to control the public display, reproduction, adaptation, and distribution of his or her creative product.

Anything in a fixed medium is copyrighted; even if a copyright symbol is not present one should consider the material to be protected.

Copyright does not protect ideas, but rather the products of those ideas. The enforcement of copyrighted laws is becoming more stringent and the penalties are severe. Obtaining permission from the copyright holder can override any limitations imposed by the law or guidelines.

**Fair Use Guidelines**

Fair Use Guidelines are established to permit the use of copyrighted works in limited situations, without the permission of the copyright holder. Four Fair Use Factors must be applied when claiming that an educational use is protected by the Fair Use Guidelines. The burden of proving fair use falls to the educator making use of the material. If you have questions, contact the Copyright Clearance Center at www.copyright.com.

**Fair Use Factors**

1. The purpose and character of use, including whether such use is of commercial nature or for nonprofit educational purposes. **Is it for education or profit?**
2. The nature of the copyrighted work. **Is it creative or informative?**
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole. **How much are you using?**
4. The effect of the use upon the potential market for or value of the copyrighted work. **Does use prevent the copyright holder from benefiting?**

**Guidelines**

**Print**

A teacher may make single copies of a book chapter, article, short story or short poem, chart diagram drawing, cartoon or picture from a book, periodical or newspaper.

Teachers may not copy consumable works and copying of the same item may not be repeated from term to term.

Copies may be made for the classroom if they include a notice of copyright and meet the tests of *brevity*, *spontaneity* and *cumulative effect*.

**Brevity**

Portion allowable is based on the type of text. Short articles or poems, may be used in entirety. Ten percent is the rule of thumb for longer works.

**Spontaneity**

If a teacher decides to use an item and if there is not enough time to expect a reply to a request for permission before using the item for teaching effectiveness, the item can be used under fair use.

**Cumulative Effect**

Copying is for only one course. Not more than two items from the same author or three from the same collective work can be used during one class term.

**Internet**

All materials posted on the Internet are copyrighted. They can be legally read but not legally forwarded or copied for instructional purposes, except under fair use. You may make one copy for personal use.

The more creative the site the less it can be used without permission. Some sites grant permission for educational purposes. When in doubt, contact the site’s webmaster.

Make sure you have permission to use any photos, logos, or graphics on websites you create or manage.

You need permission from the photographer and identifiable people in pictures to use photos.

**Email, Discussion Lists**

The author of an email owns the content of the message. As a recipient, you cannot make copies or distribute the message without permission of the sender.

A message posted to a newsgroup or discussion list is considered to be published. Fair use can be applied to use portions. Fair use would be negated if the list has a policy that the material not be distributed beyond the list.

**Multimedia Guidelines**

Allows digitizing of other formats for incorporation into multimedia creations for academic assignments. Original works used for digitizing must be obtained lawfully. Portion limitations help identify how much is acceptable under fair use.

**Portion Limitations**

**Text:** up to 10% or 1,000 words whichever is less.

**Audio:** up to 10% but not more that 30 seconds.

**Images:** An entire illustration or photo may be used, but not more than five images by the same artist or photographer.

**Numerical data:** up to 10% or 2,500 fields or cell entries, whichever is less.
My Obligation as an Educator

Model responsible use of copyrighted material for my students.

Use Copyright Clearance Center services to acquire permission for ANY use of copyrighted materials that do not have Fair Use protection.

Apply the four Fair Use factors when considering copying anything.

Get permission to use materials when Fair Use does not apply.

Limit access to copyrighted materials in distance learning classes.

Copyright Contact Information at Ferris State University

If you have questions on copyright, please feel free to contact:

David Scott  
Interlibrary Loan Librarian and Copyright Officer  
FLT 140-D  
(231) 591-3540  
scottd@ferris.edu

Copyright Links

Copyright Clearance Center  
www.copyright.com  
To secure permission to copy protected works.

Library of Congress Copyright Office  
www.loc.gov  
To register a copyright.

Copyright Crash Course  
www.utsystem.edu/ogg/intellectual property/cpritindx.htm#top  
Excellent tutorial on copyright information.

Higher Education: Questions and Answers for the Campus Community  
www.publishers.org/about/copyqa.cfm  
Short guide to help answer copyright questions as they relate to academe. Text is downloadable or printable. Highly recommended.  
One copy per person may be downloaded/printed without permission.

Stanford University Copyright and Fair Use  
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Excellent summary of fair use guidelines and policies.

Copyright Law  
http://www.copyright.gov/title17/  
If interested, here is the entire text of the Copyright Law.

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This list provides links to numerous sites containing copyright information.

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