

## Understanding Fair Use and Copyright in the Digital Age

**COPYRIGHT:** General copyright restriction applies to course teaching, work, and research conducted in an electronic environment. Most infringements on copyright is seen as case law as precedents are slowly building as to what is and is not acceptable given the nature of digital media.

### Permitted Uses

- *Students* may use portions of legally acquired copyrighted materials in their own educational multimedia projects for a specific course
  - Students may retain project in a portfolio for personal use such as job and graduate school interviews
  - Students may perform and display project in the course for which it was created
- *Educators* may use portions of legally acquired copyrighted materials when producing their own educational multimedia projects for their own teaching tools in support of curriculum-based instructional activities at educational institutions including:
  - Face-to-face instruction
  - Directing student self-study
  - Distance education provided secure electronic network with password protection
    - Need to ensure that the technology prevents the making of copies
  - Peer conferences
  - Professional portfolio

**FAIR USE:** Educators fall under the Fair Use Guidelines as stated in the governmental copyright laws. "Fair Use" implies that educators are using some portion of copyrighted materials for educational, non-profit purposes. Four criteria that determine if you are using the fair use provision legitimately: the purpose, the nature, the substantiality, and the effect of the use of the material. Responsible educators will follow the following limitations for use of copyrighted materials:

- Limitations Time, Portion, Copying and Distribution
  - Time: 2 years
  - Portion: Motion media 10% or 3 minutes
  - Text 1000 words
  - Music: 10% or 30 seconds Entire
  - Illustrations/ work / photos/ no more than 5 by one artist
  - Numerical Data sets: 10% or 2500 fields
  - Copying: 2 copies including the distribution original

### **CREATIVE COMMONS**

Educators may elect to use and evoke creative commons (CC) licenses. CC licenses provide simple, standardized alternatives to the "all rights reserved" paradigm of traditional copyright. CC licenses provide a flexible range of protections and freedoms for authors, artists, and educators. Please visit for more information about creative commons licensing: <http://creativecommons.org/>

### **FURTHER INFORMATION:**

*TEACH Act:* <http://www.copyright.com/Services/copyrightoncampus/basics/teach.html>

*Digital Millennium Act:* [http://en.wikipedia.org/wiki/Digital\\_Millennium\\_Copyright\\_Act](http://en.wikipedia.org/wiki/Digital_Millennium_Copyright_Act)

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