

# Distance Learning Systems

## Teaching Tips #8 – Copyright, Fair Use, and Educators

With a new semester quickly approaching, many instructors find themselves revising old materials and creating new syllabi. Being creators themselves, it behooves instructors to pay attention to copyright law, which protects the rights of those who create materials while ensuring educational access. A quick review of copyright at this point in the process can save a lot of trouble later on!

### About Copyright Law

Original materials are automatically protected by copyright upon creation and last for 50 years beyond the death of the author. The exclusive rights of the copyright holder include:

- Reproduction of the copyrighted work
- Distribution of copies of the work as sales, rentals, lease, or gifts
- Rights to perform or display the work publicly

### About Fair Use

“Fair Use” is a concept defined by the Copyright Law of 1976 that defines situations in which copyrighted material may be used without permission. The three primary considerations for determining fair use are: brevity, spontaneity, and the cumulative effect. In other words, selections should be short, included “on the fly”, and should not have the effect of limiting sales. The law itself defines the conditions for fair use as:

- The purpose and character of the use must be educational or non profit in nature.
- Copied material must be an excerpt or a portion of the original work without being a critical portion.
- The teacher may not impair the marketability of the work.

### Educator Guidelines

Current technologies such as the Internet, high-speed copiers, and scanners, make abuse of fair use all too easy. Educators and publishers have come up with an informal set of guidelines that define fair use in education:

- A complete article or story less than 2,500 words; 1,000 words or 10% (whichever is shorter) of a prose work that is excerpted; one illustration, chart, diagram, or picture per book or periodical issue; a short poem of less than 250 words, or an excerpt of a longer poem of not more than 250 words.
- The copying must be for only one course, and no more than one short poem, article, or story or two excerpts can be copied from the works of one author.
- Unauthorized copying may not be used to replace an anthology or compilation.
- Unauthorized copies may not be made of consumable works such as workbooks or standardized tests.
- Unauthorized copying may not substitute for the purchase of books, authorized reprints, or periodicals.
- The same instructor may not copy the same item without permission from term to term.
- Students cannot be charged beyond the actual cost of photocopying.

### Multimedia Materials

Fair use generally allows for presentation of video and multimedia materials in the classroom, such as playing a video the class. The same holds true in a distance education context, with the exception that the broadcast of the material to the students must be in a closed circuit (limited to enrolled students only), delivered real-time, and cannot be archived. This is important to remember if you plan to use video materials in a videoconference class!

### More Information

For more information, [contact us](#), or peruse the following resources:

- Copyright Law of 1976 - <http://www.loc.gov/copyright/title17/>
- Intellectual Property and Copyright- <http://www.uwex.edu/disted/intprop.html>

For more Teaching Tips and other Distance Education information, please visit the new and enhanced Center for Distance Education Distance Learning Systems website at:  
<http://distance.uaf.edu/dls/>