

COPYRIGHT & EDUCATION



Understand Your Rights and Responsibilities Under the Law

Three laws apply to educators' use of copyrighted materials for teaching and learning:

Section 107 of the Copyright Act of 1976 enables people to make copies of copyrighted content without payment or permission when the social benefit of their particular use outweighs the harm caused to the copyright holder. Each case must be analyzed to make a fair use determination.

Section 110(a) of the Copyright Act of 1976 allows educators to use, perform, or display legally acquired copyrighted materials for purposes of face-to-face instruction, including photocopies for classroom use. Borrowing from a library is a legally acquired use; downloading a movie torrent file is (probably) not. When using content that you have accessed via a license fee (like Netflix), read the terms of service to see if classroom use is permitted.

Section 110(b) of the Copyright Act of 1976 allows educators to use, display, or make copies of copyrighted materials in distance learning. The copyrighted materials you provide through distance learning should be accessible to enrolled students only for the time period necessary to meet pedagogical goals. Simple linking to website content is not a copyright violation.

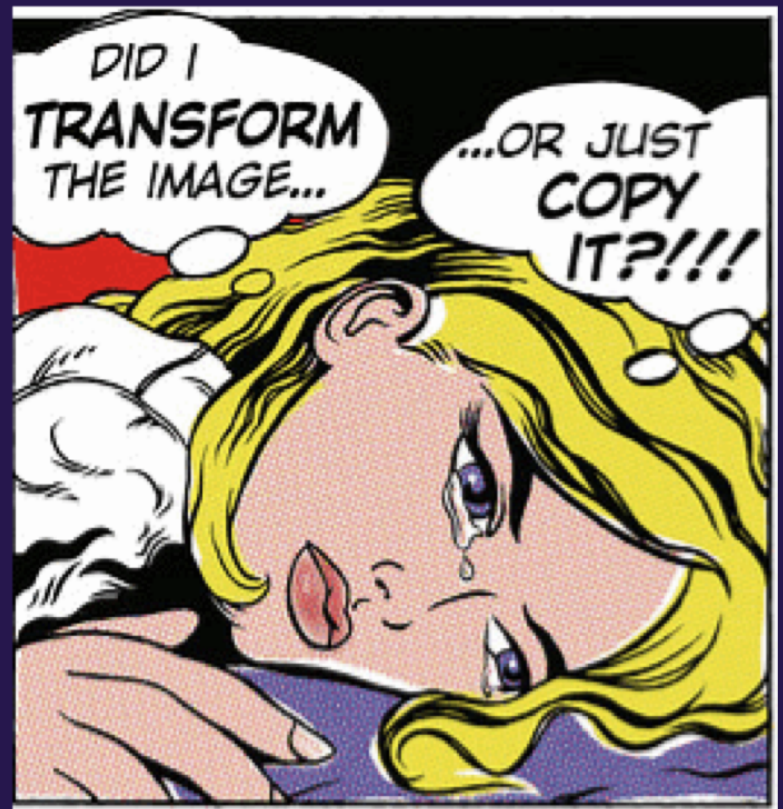
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Make a Fair Use Determination

The Doctrine of Fair Use involves balancing the rights of the user with the rights of the copyright holder. To make a fair use determination, ask yourself these questions:

1. Did my use of the work re-purpose or transform the copyrighted material?
2. Could my use of the work serve as a substitute or replacement for the original?
3. Did I use only the amount needed to accomplish my purpose?



The purpose of copyright law is to promote creativity, innovation and spread of knowledge. Fair use is the legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances. Most nonprofit educational and noncommercial uses are fair.