Copyright Law and Fair Use

This guide addresses basic issues concerning the use of copyrighted material in an academic setting.

What is a copyright?
A copyright is the set of exclusive legal rights authors have over their works for a limited period of time. These rights include copying the works (including parts of the works), making derivative works, distributing the works, and performing the works (this means showing a movie or playing an audio recording, as well as performing a dramatic work). Currently, the author's rights begin when a work is created. A work does not have to bear a copyright notice, or be registered to be copyrighted.

Why do we have copyright?
The Constitution of the United States says that its purpose is to promote science and the useful arts. The government believed that those who create an original expression in any medium need protection for their work so they can receive appropriate compensation for their intellectual effort.

What is a work in the public domain?
A work in the public domain can be copied freely by anyone. Such works include those of the U.S. Government and works for which the copyright has expired. Generally, for works created after 1978, the copyright lasts for 70 years beyond the life of the author. Works created before but not published before 1978 have special rules. For works created and first published between 1950 and 1978 the copyright lasts for 95 years. For works created and first published before 1950, the copyright lasts for 28 years but could have been renewed for another 67 years.

What is fair use?
Fair use provisions of the copyright law allow for limited copying or distribution of published works without the author's permission in some cases. Examples of fair use of copyrighted materials include quotation of excerpts in a review or critique, or copying of a small part of a work by a teacher or student to illustrate a lesson.

How can I tell if my copying is allowed by fair use provisions of the Law?
There are no explicit, predefined, legal specifications of how much and when one can copy, but there are guidelines for fair use. Each case of copying must be evaluated according to four factors:

> **1) The purpose and nature of the use.**
> If the copy is used for teaching at a non-profit institution, distributed without charge, and made by a teacher or students acting individually, then the copy is more likely to be considered as fair use. In addition, an interpretation of fair use is more likely if the copy was made