

FAIR USE STANDARDS

When the circumstances might reasonably be judged as fair, you may use copyrighted works in your teaching without permission. U.S. law lists four fair use factors:

1. Purpose and character
2. Nature of copyrighted work
3. Amount used
4. Market effect

Here are a few examples:

- Copying reasonable portions of longer works for your class
- Copying a timely article (or one you've recently discovered that is relevant to your class) when it's unreasonable to expect a sufficiently rapid reply to a request for permission
- Copying a graphic or an image from a work to display in your lectures

TEACH ACT

Although a specific copyright exemption known as the TEACH Act may apply, its rigorous requirements have prompted most instructors to rely primarily on fair use to display or perform works in distance education (e.g. online or over cable TV). Consult your library or the university counsel on whether and how the TEACH Act is implemented locally. For a closer look at your rights to transmit works to a distance education class, see the North Carolina State University TEACH Toolkit at www.lib.ncsu.edu/sccl/legislative/teachkit/.

The preceding information was used with expressed consent from the Association of Research Libraries.

ACADEMIC COPYRIGHT RESOURCES

WMU Libraries:

eReserves
Email: lib-res@wmich.edu
Phone: (269) 387-5156
Website: <http://www.wmich.edu/library/access/coursereserve.php>

Legal Counsel:

Phone: (269) 387-1900

Office of Information Technology:

Phone: (269) 387-4086
Email: copyright-abuse@wmich.edu

WMU Web Information:

<http://www.wmich.edu/copyright>

WESTERN MICHIGAN UNIVERSITY



Academic Technology & Instructional Services

1343 Ellsworth Hall
Kalamazoo, MI 49008-5232
(269) 387-2847 (ATIS)
<http://atis.wmich.edu>

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Using works in your teaching –
WHAT YOU CAN DO
Tips for faculty & teaching
assistants in higher education



ATIS



Western Michigan University

PUBLIC DOMAIN WORKS

- Under U.S. law, copyright expires 70 years after the death of the author. At that point, works automatically enter the public domain. As a practical matter, all works published in the U.S. before 1923 are now in the public domain.
- Works by the U.S. Government or created by its employees as part of their job are in the public domain. However, this does not apply to most works by federal grant recipients or contractors, or to works of most other governments, including state and local governments.

YOUR OWN WORKS

Consider retaining the rights you need to place your own work in an open archive and share it with your students. The Scholarly Publishing and Academic Resources Coalition (SPARC) Author Addendum (<http://www.arl.org/sparc/author>) is one means of securing these rights.

OPEN ACCESS & ELECTRONICS

- Link when possible – In many cases you can eliminate the need for permission or fee by simply giving your students a link to the work instead of making copies of it.
- Check with the library as they may have paid for a subscription license that entitles you and your students to online access.
 - Email lib-res@wmich.edu and ask the library's electronic reserves department if they can arrange access for your students.
 - Check to see if the work is available on a legitimate Web site, such as an online open archive, the author's homepage or an open access journal.

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PROPOSED USE

LEGAL STATUS OF WORK TO BE USED	WORKS NOT COPYRIGHTED	Public Domain Works (US Govt. and pre-1923 works, and certain other works)	Exhibit materials in a live classroom?	Post materials to an online class?	Distribute readings?	Create electronic reserves?
			YES	YES	YES	YES
COPYRIGHTED WORKS		Your Own Works (if you kept copyright or reserved use rights)	YES	YES	YES	YES
		Open Access Works (works available online without license, password, or technical restrictions)	YES	LINK	LINK	LINK
		Electronic Works Licensed by Your Institution (depends on license, but usually permitted)	YES	LINK	LINK (Most licenses also allow students to make an individual copy.)	LINK
		Electronic Works with a Creative Commons License (depends on license, but usually permitted; if not, LINK)	YES	YES	YES	YES
		Other Works (when none of above apply)	YES	YES if meets either the TEACH Act or Fair Use standards. If not, LINK or seek permission.	YES if meets Fair Use standards. If not, LINK or seek permission.	YES if meets Fair Use standards. If not, LINK or seek permission.