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## Copyright and Fair Use

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### About Copyright and Fair Use

If you are planning to use, adapt, or republish materials created by others—including text, images, audio, and video files—be sure that it does not violate copyright. Copyright is a form of legal protection regulating the “copy” (reproduction or distribution) of original works.

The best practice is to use only media that is in the **public domain** or is published under a **Creative Commons License**.

- **Public Domain:** Material that belongs to or is available to the public and is *not* subject to copyright. Every year, more material enters the public domain because public domain status is largely determined by publication date. All materials that are in the public domain are not protected by intellectual property law, and anyone can use, republish, or adapt these works without needing to obtain permission.
- **Creative Commons Licenses:** [Creative Commons](https://creativecommons.org/) is a non-profit organization that provides and regulates copyright licenses that allow for **a)** original creators to get the credit they deserve while **b)** allowing others to copy, remix, or reuse their content in ways they have allowed. Publishing work with a Creative Commons license allows for collaboration and creative reuse with a variety of different media.

There are six types of **Creative Commons licenses** for media with different models of use, attribution, and distribution. When searching for media with a Creative Commons license, **it is important to pay attention to which license it has**. The key components of Creative Commons licenses are:

- **Attribution:** this specifies that re-publishers must provide credit to the creator(s) or owner(s) of the original material. All Creative Commons licenses require attribution.
- **ShareAlike:** this specifies that any modified materials must be licensed under the same terms as the original materials.
- **NonCommercial:** this limits republication of works to non-commercial or not-for-profit uses.
- **NoDerivs:** this allows only for un-adapted, unedited forms of republication.

While all Creative Commons licenses require attribution, there are **six** different license types composed of these different components. Some licenses allow for commercial uses, some don't allow for adaptation, and so on. You can find information on each license, the

full license deeds, and a description of what kind of republication each license allows, here: <https://creativecommons.org/about/cclicenses/>.

Creative Commons also provides a **search engine for licensed content** that you can reuse, as well as an example of an “ideal” attribution practice, here:

<https://creativecommons.org/use-remix/>. The CC Wiki also outlines best practices for attribution: [https://wiki.creativecommons.org/wiki/Best\\_practices\\_for\\_attribution](https://wiki.creativecommons.org/wiki/Best_practices_for_attribution).

Generally, an **ideal attribution** includes:

- The **title** of the republished work
- The **author, creator, or owner's** name
- The name of the **source** and a link to where you found it
- The name of the **license type**, with a link to the license deed

If you would like to have an **embedded HTML version** of the license on your material, or another person's licensed material, the Creative Commons will generate that code for you here: <https://creativecommons.org/choose/>

### **Fair Use in Educational/Institutional Spaces**

While the use of copyrighted material for commercial or for-profit productions could result in a violation and possible legal conflict, there are several **exceptions for educational and non-profit** settings, especially for teachers, students, and librarians under **Fair Use**. Key concepts include:

1. Face-to-face teaching and transmission
2. Restricted transmission and reception to educational audiences
3. Methods of distribution of copyrighted work for distant learning scenarios, including online classes.

There is no strict checklist for determining if something falls under **fair use**. Fair use typically favors non-profit and education settings, meaning that if the project is for an assignment and not published publicly for a commercial audience, it often falls under fair use.

But, care and caution should always be used when republishing the work of others. Four factors are important to consider if you are thinking about using material that is copyrighted: **purpose and character** (is the reuse in an educational or nonprofit setting?), **nature of the original work** (were the original materials published in a way that suggests they were meant to be reused?), **amount** of copyrighted material excerpted



(how much is being reused?), and **market effect** (is the reuse likely to have a commercial effect on the original?).

### Common Misconceptions about Copyright and Fair Use:

- 30-second rule: people often think that they will not violate copyright at all if they use an abbreviated version (30 seconds or less) of a song or audio recording. This is not strictly true. Excerpts or portions of copyrighted material, no matter how long, are still protected under copyright.
- Attribution: people often think that giving appropriate consideration to original content owners is enough to avoid copyright violations. Even though this is a best practice, it is not strictly true.

### Resources for finding creative commons and public domain media:

- Internet Archive Audio library: <https://archive.org/details/audio>
- Partners in Rhyme: <https://www.partnersinrhyme.com/pir/PIRsfx.shtml>
- The Public Domain Review: <https://publicdomainreview.org/collections/>
- Musopen: <https://musopen.org/>
- CC Mixer: <http://ccmixter.org/>
- Creative Commons Search: <https://search.creativecommons.org>

### For more information:

- Copyright and Primary Sources:  
<http://www.loc.gov/teachers/usingprimarysources/copyright.html>
- Fair use guidelines: [https://www.lib.purdue.edu/uco/CopyrightBasics/fair\\_use.html](https://www.lib.purdue.edu/uco/CopyrightBasics/fair_use.html)
- Harvard LibGuide for Public Domain and Creative Commons:  
[https://guides.library.harvard.edu/Finding\\_Images/finding\\_audio](https://guides.library.harvard.edu/Finding_Images/finding_audio)
- Northeastern Library guidelines to copyright and fair use:  
<https://library.northeastern.edu/get-help/copyright-and-fair-use>
- Additional Resources:  
[https://wiki.creativecommons.org/wiki/Best\\_practices\\_for\\_attribution](https://wiki.creativecommons.org/wiki/Best_practices_for_attribution)