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Fair use for teaching and research

Fair use allows reproduction and other uses of copyrighted works – without requiring permission from the copyright owner – under certain conditions. In many cases, you can use copyrighted materials for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research.

Four factors of fair use

The fair use doctrine of U.S. copyright law (<http://www.copyright.gov/title17/92chap1.html#107>) lists the following factors to be evaluated in determining whether a particular use of a copyrighted work is a permitted fair use:

	Factors to consider:	How this affects use:
1	The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes	Uses in nonprofit educational institutions are more likely to be fair use than works used for commercial purposes, but not all educational uses are fair use
2	The nature of the copyrighted work	Reproducing a factual work is more likely to be fair use than a creative, artistic work such as a musical composition
3	The amount and significance of the portion used in relation to the entire work	Reproducing smaller portions of a work is more likely to be fair use than larger portions
4	The effect of the use upon the potential market for or value of the copyrighted work	Uses which have no or little market impact on the copyrighted work are more likely to be fair than those that interfere with potential markets

The fair use exception is purposefully broad and flexible. Each factor is relevant in order to determine whether a particular use is a fair use. A final determination on fair use depends on weighing and balancing all four factors against the facts of an individual situation.

Guidance on the use and limitations of fair use

Some specific guidelines about use of copyrighted material for teaching are provided elsewhere [on this site \(teaching.html#p=in_the_classroom\)](#). Since individual members of the UC community are usually best situated to understand the context of other uses, UC faculty, staff, and students should consider making reasoned, good faith decisions about the fair use of copyrighted works using the four factors outlined above. UC's [2015 Policy on Copyright](#)

and Fair Use (<http://copyright.universityofcalifornia.edu/resources/copyright-fair-use.html>) states: “In the unlikely event of a copyright infringement claim, the University will defend its employees who acted within the scope of their University employment and who made use of the copyrighted work at issue in an informed, reasonable, and good faith manner.”

If a particular use seems unlikely to be permitted under fair use, you should attempt to get permission to use the work from the copyright owner.

In evaluating the four factors of fair use, you can use the following questions to help assess your particular situation:

- Are you planning on using the work in a different way, or for a different purpose, than the original creator? In copyright terms, is your use “transformative”?
- Are you using an amount of that work that is narrowly tailored to your new purpose?

Recent case law has shown that if your answer to both of these questions is “yes,” then fair use is likely.

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RELATED POLICIES

2015 Policy on Copyright and Fair Use (<http://copyright.universityofcalifornia.edu/resources/copyright-fair-use.html>)

1985 Policy for Off-Air Recording of Broadcast Programming for Educational Purposes
(<http://copyright.universityofcalifornia.edu/resources/broadcast-recording.html>)

FAIR USE RESOURCES

Fair Use for Nonfiction Authors from the Authors' Alliance (<https://www.authorsalliance.org/resources/fair-use/>)

[Fair Use Evaluator from the American Library Association \(http://librarycopyright.net/resources/fairuse/\)](http://librarycopyright.net/resources/fairuse/)

UNIVERSITY OF CALIFORNIA ([HTTP://WWW.UNIVERSITYOFCALIFORNIA.EDU/](http://www.universityofcalifornia.edu/))

UC OFFICE OF THE PRESIDENT ([HTTP://UCOP.EDU/](http://ucop.edu/))

UC LIBRARIES ([HTTP://LIBRARIES.UNIVERSITYOFCALIFORNIA.EDU/](http://libraries.universityofcalifornia.edu/))

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