

Copyright rules can be confusing.

Here are some quick pointers on how to stay on the right side of the law.

What exactly is fair use?

You've probably heard of fair use before — it's what lets instructors hand out copies of articles to their students without having to get permission. The Stanford University Library offers these guidelines on what's safe:

- **A complete article** that's less than 2,500 words long — longer ones may have up to 1,000 words or 10% excerpted (whichever is less).
- **One chart** from a book.
- **A television program** up to 10 days after it is initially aired. (Videos purchased for classroom use typically have different terms of use.)
- No more than one article or excerpt per author may be copied, nor three per periodical.

These guidelines have been established by agreement by book publishers and the academic community. They aren't part of any law, but they are commonly recognized by both publishers and judges as fair use for educators. Remember: these guidelines only apply for educational uses. The rules for general use are much more strict.

But what really is fair use? **Nobody knows for sure.** The line between fair use and illegal use is a very fine one that's open to interpretation, even between different judges. The general guideline for fair use in the context of education is that teachers can give students materials that would be too time-consuming to get permission for. For example, an instructor might want his or her students to be read an article from *The Washington Post* that was published a day before class.

There is one clear rule when it comes to fair use. It isn't supposed to be a replacement for a textbook, or a packet of materials that students will use over the course of an entire class.

What if I want to copy more than that?

The easiest way to make more elaborate materials available to students is to put them on reserve at the Health Sciences & Human Services Library. Shorter materials, like articles from periodicals or chapters from a book, can be stored online in PDF format, so students can access them anywhere with their UMNet account. Some materials that are impractical to scan in, like entire books, can be put on reserve, but only in paper form.

Keep in mind that fair use still applies. The HS/HSL's policy right now is that the first time you place materials on reserve is covered under fair use. If you want to put them on reserve for a second semester, you'll need to get permission from the copyright holder.

The good news is that **the HS/HSL Library can help you get permission.** They can contact the Copyright Clearance Center, a central clearinghouse, and they'll even cover reprinting costs up to \$50. If the copyright holder decides to charge more, though, that cost will be your responsibility.

You can contact the HS/HSL Course Reserve Unit:

- By phone at 410.706.7928
- By e-mail at eres@hshsl.umaryland.edu

More information can be found at:

<http://www.hshsl.umaryland.edu/services/reservefacultyfaq.html>

Have you heard of the TEACH Act?

The TEACH Act gives instructors more leeway to place *performances* of copyrighted work online. "I don't plan on putting on a one-man *Hamlet* show this semester," you may be thinking — but the definition of performance is a bit wider than you might think. For example, a movie is performed by putting it into a DVD player.

Under the terms of the TEACH Act, you may put the same performances you would show in class on the Internet without getting permission, as long as:

- **It is password-protected** so that only legitimate students may see it. Blackboard can manage this for you.
- **It is a nondramatic work.** That means no *Hamlet*, but you could use clips from an instructional video.
- **If it isn't a literary or musical work** (i.e. video or narration), **only "reasonable portions" may be shown.** You can put relevant clips online; you can't put a whole video up.
- **It has a notice stating the material is copyrighted.**

If you can't fulfill all of these requirements, you must get permission to use the material online.

You should read about the TEACH Act's provisions in detail before you use them. A good guide is at <http://www.lib.ncsu.edu/sc/legislative/teachkit/>.

What about the Internet?

Work published on the Internet isn't treated any differently than material printed on paper. And although many Web pages don't have copyright notices printed on them, that doesn't mean you can copy from them freely — the moment something is published, it is implicitly copyrighted.

A tiny note about public domain

Any material produced by the U.S. government is considered public domain — there is no copyright associated with it, and it can be used freely. Tracking down when other material passed into the public domain can be tricky. According to the Cornell Copyright Information Center, works published before 1923 are free and clear, but the rest depend on the author's lifespan.

Copyright, Fair Use, and Common Sense

*some guidelines on using copyrighted
material in the classroom*

Further reading on copyright issues

HS/HSL Guide to Copyright
<http://www.hshsl.umaryland.edu/resources/copyright.html>

Stanford University Library Guide
to Copyright and Fair Use
<http://fairuse.stanford.edu/>

Cornell Copyright Information Center
<http://www.copyright.cornell.edu/>

The TEACH Toolkit
<http://www.lib.ncsu.edu/scc/legislative/teachkit/>

How Long Copyright Lasts
<http://www.copyright.gov/circs/circ1.html#hlc>

Contact information

HS/HSL Library Reference Desk
410.706.7996

HS/HSL Library Circulation Desk
410.706.7928

HS/HSL Library Course Reserve Unit
410.706.7928
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School of Pharmacy Computing Services
410.706.4488
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