##### What You Need To Know About Copyright

##### Copyright Protects a Vast Range of Materials

Examples: Books, articles, photographs, paintings, sculpture, software, websites, architecture, pantomimes, ballets, music, sound recordings, and even doodles, scribbles, and graffiti.

Scope: Copyright can apply to any “original work of authorship” that is “fixed in any tangible medium of expression.” Protection automatically extends to any qualifying work, whether published or not, and whether created in the U.S. or in almost any country of the world.

##### Works are Protected Automatically

[*Copyright Notice*](http://www.copyright.iupui.edu/youright.htm#What): No longer is a copyright notice on the work required for protection. As soon as you create an “original” work that is “fixed,” you get copyright protection automatically.

##### *Copyright ownership.* The person who actually creates the new work is the original copyright owner.

Exception: In the case of a “[work made for hire](http://www.copyright.iupui.edu/youright.htm#MFH)” the copyright belongs to the employer of the person who creates it.

Rights of Owners: (1) reproduction of the work; (2) distribution of copies of the work; (3) making of “derivative” works; (4) public performance; and (5) public display.

Infringement: Occurs when someone other than the copyright owner exercises any of these rights.

Possible Infringements: Photocopying; uploading to websites; copying software; sharing MP3 files; musical performances; public film exhibitions.

Duration of Protection: Most copyrights today last through the life of the author, plus 70 years. Works published before 1978 can have copyright protection for a maximum term of 95 years.

##### Using Copyrighted Works Without Infringement

Uses in Education: The law includes numerous exceptions to the rights of copyright owners, and many allow certain uses education and research. Fair U e is the best known of all exceptions, but not all “educational” uses are allowed under fair use.

Permission: If your plans are not within an exception, you can secure permission from the copyright owner.

#### ****Classroom Handouts and Copyright****

Current copyright law gives legal protection to nearly all text, images, audiovisual recordings, and other course materials that instructors or students might desire to use in the classroom, even if the original works do not include any statement about copyright.
Materials may be copied only if:

1. The instructor is the copyright owner of the material, or
2. The copyright owner of the material grants permission, or
3. The material is in the public domain, or
4. The use of the material is a "fair use" under the law, or
5. The material falls within another statutory exception.

**Fair use** is a legal doctrine that allows the public to make limited uses of copyrighted works without permission. Fair use may not be what you expect. **Therefore, do not assume that a nonprofit, educational use or giving credit for the source of the work, or that limiting access to materials to students in the class creates an inherent fair use.** Fair use depends on a balancing of four factors, which may be addressed by a variety of means. The four factors are:

1. [Purpose of the Use](http://www.copyright.iupui.edu/classroom.htm#pur)
* Materials should be used in class only for the purpose of serving the needs of specified educational programs.
* Students should not be charged a fee specifically or directly for the materials.

2. [Nature of the Work](http://www.copyright.iupui.edu/classroom.htm#nat)

* Only those portions of the work relevant to the educational objectives of the course should be used in the classroom.
* The law of fair use applies more narrowly to highly creative works; accordingly, avoid substantial excerpts from novels, short stories, poetry, modern art images, and other such materials.
* “Consumable” materials, such as test forms and workbook pages that are meant to be used and repurchased, generally do not fall within fair use.

3. [Amount of the Work Used](http://www.copyright.iupui.edu/classroom.htm#amt)

* Materials used in the classroom will generally be limited to brief works or brief excerpts from longer works. Examples: a single chapter from a book, individual articles from a journal, and individual news articles.
* The amount of the work used should be related directly to the educational objectives of the course.

4. [Effect of the Use on the Market for the Original](http://www.copyright.iupui.edu/classroom.htm#eff)

* The instructor should consider whether the photocopying harms the market or sale of the copyrighted material.
* Materials used in the class should include a citation to the original source of publication and a form of a copyright notice.
* Instructor should consider whether materials are reasonably available and affordable for students to purchase—whether as a book, coursepack, or other format.

**Library Reserves and Copyright**

Current copyright law gives legal protection to nearly all readings and other course materials that an instructor might place on reserve, either physically or virtually. Materials may be offered as reserves only if:

1. The instructor is the copyright owner of the material, or
2. The copyright owner of the material grants permission, or
3. The use of the material is a "fair use" under the law, or
4. The material is in the public domain, or
5. The material falls within another statutory exception.

**Physical reserves. Materials may be placed on reserve in the library by delivering physical materials to the Circulation Desk by Thursday before the term begins. This is appropriate for books, videos, or other original items. These materials must be owned by the library or by the instructor.**

**Electronic reserves. *Moodle*, the course management software, can be used to provide online access to resources for courses. Faculty may post in their *Moodle* course scanned articles or persistent links to articles available in databases provided by the library. The p-copiers in the library will create scanned .pdf files of articles efficiently.**

**Fair Use and Reserves. The four fair use tests apply for course reserves:**

**Purpose of the Use**

* Materials should be placed on reserve only at the specific request of the instructor and only for the purpose of serving the needs of specified educational programs.
* Access to materials should be limited by password or other means to deter unauthorized access beyond students enrolled in the specific course for which the materials are needed.
* Students should not be charged specifically or directly for access to materials placed on reserve.

**Nature of the Work**

* Only those portions of the work relevant to the educational objectives of the course should be placed on reserve.
* The law of fair use applies more narrowly to highly creative works; accordingly, the library may choose not to accept for reserve substantial excerpts from novels, short stories, poetry, modern art images, and other such materials.
* “Consumable” materials, such as test forms and workbook pages that are meant to be used and repurchased, generally do not fall within fair use.

**Amount of the Work**

* Photocopied material placed on reserve will generally be limited to brief works or brief excerpts from longer works and should be placed in *Moodle*. Examples: a single chapter from a book, individual articles from a journal, and individual news articles
* The amount of the work placed on reserves should be related directly to the educational objectives of the course.

**Effect of the Use on the Market for the Original**

* Materials placed on reserve must include a citation to the original source of publication and a form of a copyright notice.
* *Moodle* should not include any material unless the instructor, the library, or another unit of the educational institution possesses a lawfully obtained copy.
* Items on reserve in *Moodle* should be used only one time online. Licensing fees apply for multiple uses, so coursepacks would be the appropriate solution for multiple uses of the same copyrighted work.