FAIR USE:

"the breathing room to allow freedom of expression within copyright law"

FAIR USE is determined by 4 principles:

1) PURPOSE & CHARACTER OF USE:
   (i.e. Non-profit or commercial)
   - Scholarship
   - Non-profit Univ.
   - Criticism
   - Commentary
   - Transformative use
   - Parody

2) NATURE OF THE COPYRIGHTED WORK:
   (i.e. Fact or fiction)
   - Published work
   - Factual or non-fiction
   - Important to educational objectives
   - Unpublished work
   - Highly creative (art, photography)
   - Fiction

3) AMOUNT & SUBSTANTIALLITY:
   (i.e. How much of it & how important: a.k.a: quantity & quality)
   - Small quantity
   - Not central to the entire work
   - Amount is appropriate for favored purpose
   - Large amount or whole work used
   - Central to work, i.e. “heart of the work”

4) EFFECT:
   (i.e. Does using it impact author’s ability to market it?)
   - User purchases it
   - One or fewer copies exist
   - No effect on market of work
   - No similar product exists
   - Lack of license
   - Use impairs market of work
   - License exists
   - Affordable copies exist
   - Numerous copies exist
   - Put it on the web
   - Long term use intended

A QUICK FAIR USE CHECKLIST:

[+] [favoring fair use]  [-] [not favoring fair use]

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California State University Northridge
Copyright: THE BASICS

for more information check online at: http://library.csun.edu/Guides/Copyright

YOU are a copyright owner if you have ever:
- taken a photo
- drawn a picture
- written:
  a story,
  a criticism of a story,
  a book review,
  an academic paper,
  a Graduate thesis
- videotaped your family vacation

Copyright protects authors, but was also intended to prevent monopolies on ideas & foster creativity:

As a result, you do have rights to use many materials even if they fall under copyright protection.

DURATION: your lifetime + 70 years

However, marketability of most copyrights diminishes over time:
- after 10 years: 50% had no value
- after 43 years: 90% had no value
- after 65 years: 99% had no value

Copyrights are an automatic bundle of rights; giving you control over who can:

- sell
- copy
- perform
- distribute
- edit
- translate

But, you can pre-determine the extent of rights reserved using Creative Commons Licensing.

I WANT TO USE THIS GREAT [IMAGE/ARTICLE/QUOTE/CLIP] CAN I USE IT?

IS IT COVERED BY COPYRIGHT? NO

IS YOUR INTENDED USE PERMITTED? NO

IS YOUR INTENDED USE A FAIR USE? NO

SEEK PERMISSION NO

IS THE WORK ELIGIBLE FOR COPYRIGHT PROTECTION? NO

Is there a copyright exemption/exception for your type of use?
Is it under a Creative Commons license or other open licenses?

MAKE LEGAL USE OF IT

Have you carefully examined ALL FOUR Fair Use factors and concluded that your use seems fair?

 HAVE YOU RECEIVED A WRITTEN OR VERBAL CONFIRMATION OF YOUR REQUEST FROM THE OWNER OF THE COPYRIGHT?

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