

Faculty Copyright Decision Tree

(see the RWC/NES Copyright manual for specifics details)

1. Is it in the public domain (not subject to copyright)?
 - a. Yes – you can use it
 - b. No – is there an exception that will allow us to use it?
 - i. Yes (see 2 below) – can use
 - ii. No – must ask permissions: Permissions granted?
 - a. Yes – use with attribution
 - b. No – can you pay for the use?
 - i. Yes – can use
 - ii. No – cannot use – see #3 below for locating comparable material
2. Exceptions
 - a. Available through the Golisano Library databases so that you can direct link? Avoids the copyright issue.
 - b. Copyright belongs to the faculty person
 - c. Fair Use – weigh the four factors (PANE = Purpose, Amount, Nature, Effect): See **Fair Use Checklist**
 - i. Purpose and character of the use (non-profit vs commercial)
 - ii. Nature of the copyrighted work
 - iii. Amount and substantiality of the portion used in relation to the whole
 - iv. Effect of the use on the potential market
3. If you do not have time to follow through with asking permissions or if the item you wish to use presents complicated issues, find something that is free to use or less complex. Substitute something you know is comparable which avoids the copyright issues.
 - a. Open Access
 - b. Creative Commons materials

Guidelines

- The more you transform something, the more it tips in favor of Fair Use
- Amount should be “decidedly small” – judge in the Georgia State University case. She gave a general guideline to be 10% if the book has less than 10 chapters, or 1 chapter if there are more than 10 chapters, for example.
- Works no longer require a copyright symbol to be under copyright
- Legal copies of videos or movies can be shown in classroom instruction only if it is relevant to the class and not intended for entertainment
- Images, videos and music can be used in powerpoints for face to face instruction. Images should not be used unless they are open access or permissions are obtained.
- Course packs are compilations of works and permissions to distribute **MUST** be obtained and paid for.
- For online instruction, use of works must be related to the course content and be restricted to only the amount necessary that would be used in a face to face classroom
- **ALL** copyrighted works used **MUST** have a notice of copyright and proper citation included.
- Use links to materials in the library databases. Do **NOT** download a pdf file and upload to the CMS page. Do **NOT** email pdf's of articles from the library databases to students in your class. Provide a direct link instead.

Please refer to the RWC/NES Copyright Policy Manual