

What are the Factors of Fair Use for Video guidelines?

1. Purpose and nature of the use
2. Nature of the copyrighted work
3. Amount/sustainability of the portion of each use
4. Effect on the potential market



Factor 1.

When can the Purpose and Character of the Use be justified by an educator?

When the majority of the following checklist applies.

- Is it being used for a nonprofit Educational Institution?
- Is it being used for the Purpose of Teaching and/or Scholarship or Criticism, Comment, News Reporting, or Parody?
- Is it being used for noncommercial, nonprofit educational use?
- Is it transformative (use changes work for new utility or purpose)?
- Is its use necessary to achieve your intended educational purpose?



Factor 2. When can the Nature of Copyrighted Work be justified by an educator?

When the majority of the following
checklist applies.

- Is it published work?
- Is it factual/informational
and educational in nature
or nonfiction work?
- Is it non-consumable
work?



Factor 3. When can the Amount and Substantiality of Portion Used be justified by an educator?

When the majority of the following checklist applies.

- Is it a decidedly small portion of work used (no more than 10% of work or no more than 1 chapter of 10)?
- Is the portion used central or significant to the entire work as a whole?
- Is the amount taken narrowly tailored to accomplish a demonstrated, legitimate purpose in the course curriculum and must be narrowly tailored to accomplish that purpose?
- Is access limited to students enrolled in course for only the term of the course?



Factor 4. When can the Effect on Market for Original be justified by an educator?

When the majority of the following checklist applies.

- Is permission for digital excerpt not readily available from publisher or Copyright Clearing Center at a reasonable price?
- Is a decidedly small portion used?
- Does user own lawfully acquired or purchased copy of original work?
- Does the use stimulate market for original work?



Test your Knowledge

You will be given three scenarios

Do they follow Copyright and Fair Use?

- + The next three slides will each give you a scenario.
- + Click once then ask yourself do you agree or disagree with Fair Use being applied?
- + Click again to find the correct answer.

Scenario # 1

+ A teacher wants to show a copyrighted movie to his/her class for instructional purposes.

+ Is this Fair Use?

Yes, since it is for educational purposes and no fee is charged.

Scenario #2

+ A teacher makes a copy of a videotape for another to show in their class.

+ Is this Fair Use?

No. The teacher may lend their personal copy of the videotape but not make a copy.

Scenario #3

+ A teacher wants to raise money for supplies for art club. He/She rents a a movie whose copyright *has expired* and charges admission fees.

+ Is this Fair Use?

Yes. The copyright of the movie has expired, making the movie public domain.

References

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