

Copyright as it Applies to Classroom Handouts

Making student copies of newspaper and journal articles, poems, book chapters, or other materials raises copyright issues. Copyright laws protect works even if they are not registered with the U.S. Copyright Office and even if they do not carry the copyright symbol (©). Instructors should be aware that items may be copied for distribution in the classroom only if

- the instructor is the copyright owner or
- the copyright owner has granted permission or
- the material is in the public domain or
- use is allowed by fair use or
- another statutory exception can be employed.

Public domain works include U.S. government documents and works, including unpublished works, for which the copyright has expired. The U. S. copyright for works published before 1923 has expired, thus these works may be freely copied. Just because a work is out of print does not mean that it is in the public domain.

Fair Use

To avoid copyright infringement and establish a strong basis for fair use, the four fair use factors set forth in the Copyright Act and listed below should be evaluated to determine if the balance is in favor of fair use. All four factors do not need to be satisfied in order for copying and distribution to students to qualify as fair use; rather, the factors favoring fair use must outweigh the factors against fair use.

Factor 1. Purpose of the Use.

- Materials should be copied and distributed in the classroom only to serve and support the educational objectives of the course.
- Using copied materials for entertainment purposes weighs against fair use.

Factor 2. Nature of the Work

- Fair use applies more broadly to facts and published works and more narrowly to unpublished and creative works. Avoid copying substantial portions of unpublished materials and highly creative works (e.g. novels, short stories, plays).
- In general, avoid copying pages from workbooks, standardized tests, and other materials that are intended to be consumed.

Factor 3. Amount of the Work

- Only those portions of a work relevant to the course's objectives should be copied and distributed.

- Copying should be limited to brief works or brief portions of longer works (e.g. one article from a particular journal or newspaper issue; one or a few chapters from a book, depending on the size of the chapters and the size of the book).

Factor 4. Effect of the Use on the Market for the Original

- Students should not be charged a fee for the copies.
- If materials are available and affordable for students to purchase, this weighs against fair use.
- Copying for use in one semester may have minimal market effect. Repeated copying over several semesters may begin to tip this factor against fair use.

If the factors weigh in favor of fair use and copies are made for classroom distribution, each copy should include a citation to the original source of publication and a copyright notice. The following are examples of copyright notices:

The work from which this copy was made included the following copyright notice: _____.

The work from which this copy was made did not include a formal copyright notice. This work may be protected under U.S. Copyright Law (Title 17, U.S. Code) which governs reproduction, distribution, public display, and certain other uses of protected works.

When the balance weighs against fair use, permission to make copies must be obtained from copyright holders or from their licensing representative. If permission is not obtained, copies cannot be made.

The UW-Parkside risks being found liable for copyright infringement if instructors do not follow copyright laws in their teaching practice. Please be aware of UW-Parkside's Copyright Policy (Administrative Policy #76) <http://www.uwp.edu/departments/governance/admin/policy/policy76.htm> Faculty, staff or students who illegally duplicate copyrighted works may be subject to disciplinary, criminal and/or civil action.

Alternatives to Classroom handouts

You may want to consider alternative methods of providing students with materials. To avoid or lessen potential copyright problems, consider the following alternatives:

1. Provide online links to the materials using your Desire2Learn course pages. Linking to materials already lawfully posted on the Internet or available through library databases is often the most efficient method of providing materials to students. Contact Qinghua Xu (Qinghua.Xu@uwp.edu) in the library about the online availability of journal articles and other information resources.

2. Use the reserves services operated by the UW-Parkside Library. The electronic reserve service posts one copy of a document, considers fair use factors, and limits access to students actually enrolled in a class, so access is generally considered to be fair use under the University's copyright policy. However, some materials are best suited for traditional library reserves. For more information, contact Heather Spencer (heather.spencer@uwp.edu) in the library.