

## Keeping it Fair: Celebrating Fair Use Week 2018

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Is it **fair** to tweet a link to my research article?

Is it **fair** to make copies from a book?

Is it **fair** to use an online image in my presentation?

We've all experienced that sense of uncertainty regarding copyright. Copyright and fair use can be confusing, and we're here to point you toward resources to make it less so. That's why we take time every year to celebrate Fair Use Week.

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### Fair Use Week 2018

Fair Use Week is an annual celebration of the important doctrines of fair use and fair dealing. It is designed to highlight and promote the opportunities presented by fair use and fair dealing, celebrate successful stories, and explain these doctrines. In 2018, Fair Use Week is celebrated February 26-March 2.

Fair use and fair dealing are essential limitations and exceptions to copyright, allowing the use of copyrighted materials without permission from the copyright holder under certain circumstances. Fair use and fair dealing are flexible doctrines, allowing copyright to adapt to new technologies. These doctrines facilitate balance in copyright law, promoting further progress and accommodating freedom of speech and expression. Take a look at this cool infographic for an explanation of the scope and benefits of the fair use doctrine. A detail of the graphic is included below.



### News reporting can be done more accurately.<sup>1</sup>

Fair use allows reporters to show previously created content to provide appropriate context around current events, giving the audience a better understanding of events that are unfolding.



### Information can be indexed and searched, expediting discovery.

Fair use allows for the copying and ingestion of copyrighted works into searchable databases, facilitating search engines for text, images, and audiovisual material, such as Google Books.<sup>2</sup>



### Innovative products that depend on preexisting knowledge can be developed and these technologies can advance new ideas.

The creation of searchable databases is a transformative fair use in which the copyrighted work is being used for a different purpose than its original intent. Internet search engines,<sup>3</sup> plagiarism detection software,<sup>4</sup> and other databases<sup>5</sup> have allowed for text and data mining to facilitate research, scholarship, and the creation of new knowledge.



### New art can be created and enjoyed.

Fair use facilitates the use of culturally and historically significant clips and artifacts in various forms of entertainment. Appropriation art, such as Andy Warhol's paintings of Campbell's soup cans, relies extensively on preexisting works. Pieces of copyrighted works can also be used in movies, TV shows, and musicals—such as in *Jersey Boys*, where a clip of the Four Seasons being introduced on the *Ed Sullivan Show* illustrates an important moment in the band's career.<sup>6</sup>

While fair use and fair dealing is employed on a daily basis by students, faculty, librarians, journalists, and all users of copyrighted material, Fair Use Week is a time to promote and discuss the opportunities presented, celebrate successful stories and explain the doctrine.

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## How does the fair use doctrine affect Feinberg School of Medicine users?

If you place an article on reserve or use a copyrighted image in a lecture, then your actions fall under fair use. Without the doctrine, we'd have to get permission to use everything in an educational setting, which would seriously impact the day-to-day workings of the education enterprise at FSM. With some limitations, it is fair use for the Galter Health Sciences Library to receive material for its institutional repository, DigitalHub, and make deposited works publicly available in unredacted form, including items that contain copyrighted material that is included on the basis of fair use (from the PDF, ARL Code of Best Practices in Fair Use for Academic and Research Libraries).

The Northwestern University Libraries have created a guide covering [copyright and fair use](#). Find out more about [best practices for fair use in scholarly communication](#) here.

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## Is it fair use?

*Please be advised Galter Library is not qualified to render legal advice. These are just general guidelines; any final decisions are yours to make and may need legal consultation before you do so.*

Is it **fair** to tweet a link to my research article?

Yes, provided you are linking to where the article is hosted (e.g. by the publisher or in a digital repository)

Is it **fair** to make copies from a book?

This is tricky as the rights of the copyright holder need to be balanced against the interests of education and research. There isn't a set amount that's considered fair to copy, though Educational Fair Use Guidelines specify that it should be limited to a chapter of a book and for personal use. See: <http://fairuse.stanford.edu/overview/academic-and-educational-permissions/non-coursepack/>

Is it **fair** to use an online image in my presentation?

Generally, as long as it's for educational use, then the answer is yes. You need to weigh the fair use factors and make a call. See this page for more guidance: <http://libguides.mit.edu/usingimages>

Learn more about fair use and Fair Use Week at <http://fairuseweek.org>

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