Copyright

What is Copyright?

"Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works." United States Copyright Office

Copyright offers exclusive rights to the creators of expressive works. These rights include:

- Making copies
- Distributing copies
- Performing or displaying work
- Making derivative works

What type of works can be copyrighted?

- literary works
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works

Resources on copyright

- American Library Association - Copyright Advisory Network
- Columbia University Libraries - Copyright Advisory Office
- University of Indiana - Copyright Guide
- University of Minnesota Libraries - Copyright Information & Resources
- US Copyright Office - Copyright Basics

What is Fair Use?

The Fair Use doctrine is often invoked whenever someone wants to use a copyright-protected work in an educational setting without the formal permission of the copyright owner. However, determining fair use is not so cut-and-dry. Section 107 of U.S. Copyright Law allows for some uses of portions of copyrighted works for purposes such as criticism, comment, news reporting, teaching, scholarship, and research.

Section 107 identifies four factors by which Fair Use is determined:

1. Purpose of use
2. Nature of the original work
3. Amount or portion used
4. Effect of the use on potential market/value of the work

Any determination of Fair Use must take all FOUR factors into consideration.

**How do I know if what I'm doing is covered by fair use?**

These are several tools that may help inform your decision to use copyrighted works.

Remember:

“The distinction between what is fair use and what is infringement in a particular case will not always be clear or easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.” – U.S. Copyright Office

- American Library Association - Fair Use Evaluator
- Columbia University Libraries - Fair Use Checklist
- University of Minnesota Libraries - Thinking Through Fair Use
- TheVisualCommunicationGuy - Can I Use That Picture?
- Code of Best Practices in Fair Use for Academic and Research Libraries

**Can you just tell me if what I'm doing qualifies as fair use?**

You can ask us and we can help guide you to the right answer. However, it's purely that: guidance. We're not legal experts and are not in the business of dispensing legal advice.

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**Seeking Permission to Use Copyrighted Material**

**Find the copyright holder**

If you've determined that something does not fall under fair use guidelines and you still want to use it, you can seek permission from the copyright holder. It can often be tricky figuring out who is the copyright holder. Copyright on a figure or table in a journal article or book will usually be held by the publisher, not the author. Seeking permission can be time-intensive and frustrating.

**Pay royalties**

Another way to seek permissions and manage possible royalty payments is to work through a licensing agency such as the Copyright Clearance Center (CCC), which represents a number of publishers. Advantages are efficiency, speed, and easy ways to pay. However, there are usually fees for using the service, in addition to the royalty charges, sometimes quite high.

Check out the University of Michigan's helpful guide to obtaining copyright permissions

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**Copyright Resources**

**Northwestern University Copyright Policy**
The policy summary and complete copyright policy of Northwestern University, from the Innovation and New Ventures Office (INVO), Office of Research.

**Keep Your Copyrights**
This resource aims to make clear why you might want to keep your copyrights, and to provide information to help you hold
on to your rights.

Copyright Term and the Public Domain in the United States
One of the best charts for figuring out when or whether a work is available in the public domain, by the Cornell University Copyright Information Center.

Northwestern University Library's Copyright page

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Help & Advice

Although we’re not copyright experts, we may still be able to give you guidance—or we can put you in contact with someone who might know more. Contact us with your copyright and fair use questions.

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