

## STLCOP Copyright & Fair Use Policy

The following delineates STLCOPs copyright and “fair use” policy regarding the creation, dissemination, and storage of copyrighted digital media (DVD, CD, streaming video, etc).

### FAIR USE GUIDELINES (SECTION 107 of U.S. COPYRIGHT LAW)

Fair use is a term used in copyright law that determines how and when copyrighted works can be used without permission from the copyright holder. You must consider the following to be in compliance with fair use including:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for, or value of, the copyrighted work

The distinction between fair use and infringement may be unclear and not 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. **Simply put, College users cannot duplicate and/or disseminate material that is in violation of copyright (no permission) or does not meet the standards set above for Fair Use.**

For more information about Fair Use, check out the U.S. Copyright Office’s site at [www.copyright.gov](http://www.copyright.gov).

### OBTAINING PERMISSION TO DUPLICATE OR DISSEMINATE COPYRIGHTED WORKS

- I. First, consult with the copyright policy for the work in question. Does it allow for duplication and/or digital transmission of the work, or does it specifically prohibit such actions without permission?
  - a. If permitted, under what circumstances are you allowed to make use of the work?
  - b. If prohibited without permission, ask for permission from the copyright holder to do so. In many cases, a holder will permit duplication for educational purposes. In others cases, the copyright holder may offer a digital upgrade for a substantial discount.
- II. If a copyright holder refuses to allow duplication and/or transmission, consider purchasing a digital copy of the work.

## Frequently Asked Questions (FAQs)

### Q: What are some examples of activities that courts have regarded as Fair Use?

A. The 1961 Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law cites examples of activities that courts have regarded as fair use: "quotation of excerpts in a review or criticism for purposes of illustration or comment; quotation of short passages in a scholarly or technical work, for illustration or clarification of the author's observations; use in a parody of some of the content of the work parodied; summary of an address or article, with brief quotations, in a news report; reproduction by a library of a portion of a work to replace part of a damaged copy; reproduction by a teacher or student of a small part of a work to illustrate a lesson; reproduction of a work in legislative or judicial proceedings or reports; incidental and fortuitous reproduction, in a newsreel or broadcast, of a work located in the scene of an event being reported." (Source: <http://www.copyright.gov/fls/fl102.html>)

**Q: Can duplicate copies be made of commercially-produced videos without getting permission from the copyright owner?** For example, can a duplicate be made of a video which has gone out of print, is difficult to obtain on the commercial market, or is in danger of physical disintegration?

A: Generally, the right to duplicate video materials, including the right to make transfers from one format to another, must be secured from the copyright holder. **Material cannot be duplicated for which permission to copy has not been obtained.**

**Q: Can I extract excerpts from a longer work for use in the classroom?**

A: Under certain conditions, use of extracted material is permissible under the Fair Use provisions of the copyright law (see p.1). Some of the considerations in applying fair use include the length of the excerpt; the purpose of the use (i.e. educational vs. commercial or for profit); the nature of the copyrighted work and the potential impact the use may have upon the potential market for or present value of the work. **In general, the excerpts used for the purposes of explication in a classroom should be brief and should not constitute more than a small portion of the work from which they are extracted.** If the segment copied for use in the class supplants what would otherwise have been a sale of a program, the duplication of even a small segment may represent an infringement of the copyright, particularly if it represents the "heart" of the copied work.