

Athens State University
Guidelines Concerning the Use of Copyrighted Materials
In the Traditional Classroom and Distance Learning

Faculty, staff, and students of Athens State University are expected to follow the current laws regarding copyright and fair use of intellectual property. To assist the members of the Athens State University community in following the law, the university is providing various forms of information about the state of copyright and fair use.

GLOSSARY

(Please note, these definitions are brief and simplified and do not have any legal standing)

Copyright: the legal right of an author or creator of a work to control its use.

Fair Use: a legal defense that allows the use of copyrighted material without the permission of the author or creator. Fair use is definitely limited in its scope. Under fair use, someone can use limited portions of a copyrighted work without permission for purposes of criticism, comment, news reporting, teaching, scholarship, or research.

Digital Millennium Copyright Act (DMCA): Congress enacted this law in October 1998. Its purpose was to update copyright law to include the prohibition of tampering with encryption and technological protections systems or the manufacturing and distribution of materials that would aid in the over-riding of technological protection systems. This law also recognized the concept of fair use in the format of digitalized materials.

TEACH Act: The full name of this law is the Technology, Education and Copyright Harmonization Act which came into effect in November 2002. This law provided guidelines for using copyrighted materials and applying the concept of fair use to the educational context of distance learning.

INTERNET RESOURCES

For a brief but helpful checklist concerning copyright and online courses see:
<http://chronicle.com/free.v49/i29/29a02901.htm>

Another useful document on the Internet is located at:
www.copyright.com/fairusechecklist

This document is part of the Copyright Clearance Center's website at:
www.copyright.com

It contains much additional information on copyright and fair use.

The American Association of University Presses has a helpful pamphlet about copyright posted on their website. It is a click-on entitled, "Campus Copyright Rights and Responsibilities: A Basic Guide to Policy Considerations." Scrolling further down the website is another click-on entitled, "Copyright and the Costs of Scholarly Publishing" which includes links to many informative websites. See:

www.aaupnet.org

The Association of American Publishers also has some very helpful material about copyright on its website. When you go to their homepage, scroll down to the click-on for copyright. See:

www.publishers.org

The University of Texas provides a "crash course" dealing with copyright that can be accessed at this address:

www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm

LIBRARY RESOURCES

The library at Athens State University also maintains a collection of up-to-date materials concerning copyright and fair use.

Questions & Answers on Copyright for the Campus Community 6th edition (2003). This pamphlet is a brief but extremely helpful guide to the topics of copyright and fair use. It includes a checklist for insuring institutional and individual compliance with the TEACH Act.

The Copyright Handbook: How to Protect & Use Written Works (8th Edition, NOLO, 2005). Written by Stephen Fishman, a lawyer, this book provides a clear and detailed guide to copyright law. While much of the material relates to authors and the registration and protection of their copyright, the book also includes a lengthy chapter dealing with the topics of fair use. Contrary to the subtitles mention of "written works," there is also a chapter dealing with issues related to Online and Multimedia works.

Fishman, Stephen. *The Public Domain: How to Find and Use Copyright-Free Writings, Music, Art and More*. 3rd. ed. (Berkeley, CA, 2006). Another book by the author of *The Copyright Handbook*.

Crews, Kenneth. *Copyright Law for Libraries and Educators: Creative Strategies and Practical Solutions*. (Chicago: American Library Association, 2006).

Lipinski, Tomas A. *Copyright Law and the Distance Education Classroom*. (Lanham, MD: Scarecrow Press, 2005).

Stim, Richard. *Getting Permission: How to License and Clear Copyrighted Materials Online and Off*. 2nd edition (Berkeley, CA: Nolo, 2004).

GETTING PERMISSION TO USE COPYRIGHTED WORKS IN PRINT

If you decide that you need to use a printed work in your class that goes beyond fair use, you can seek the permission of the copyright holder. Generally you can obtain permission by paying a fee, which in most cases will be modest. There is a company that helps people seeking permissions and its name is the Copyright Clearance Center. You can access their services at:

www.copyright.com

For obtaining permission to use other types of copyrighted material, see the Stim book listed above.