

Scope Statement:

This pathfinder details where to find information about copyright, some resources for copyright free material and ways to determine if something is in or out of copyright. Please keep in mind that the information presented here is only general information. True legal advice must be provided in the course of an attorney-client relationship specifically with reference to all the facts of a particular situation. Such is not the case here, so this information must not be relied on as a substitute for obtaining legal advice from a licensed attorney.

Five Part Checklist for Fair Use:

This five part checklist can help you to determine if your work falls under the fair use guidelines.

1. **Is the material I am considering using copyrighted at all?** If you can use non-copyrighted material that is already in the public domain, then you are 100% good to go, with absolutely no worries. You have unlimited use of material that is in the public domain. Some examples of things in the public domain are the Bible, the music of Beethoven, all government statistics and studies and the periodic table of elements.
2. **What is the purpose of the work- Is it commercial/for-profit or is it for non-profit educational use?** If you are preparing material to train public sector employees, there are no profit motives involved, and there are no plans to sell or market the training material, then this issue is of no concern.
3. **What is the nature of the copyrighted work?** The more fact-based a given work, the more likely it will be that the Fair Use Doctrine applies. Caution should be exercised with more creative work, as compare to compilations of simple facts.
4. **What is the amount and substantiality of the work used, relative to copyrighted work as a whole?** In general, the less that is used in relation to the whole, the more likely fair use will apply. For example, a few sentences of text listed in a book review would always be considered fair use. A short ten second video clip from a two hour movie, incorporated into a training video would be considered fair use.
5. **What is the overall effect that the fair use has on the potential market value of the copyrighted work?** The less commercial the use, the smaller the portion used, the lesser the importance of that portion to the copyrighted work as a whole, and the lesser the effect on the market value of the work, then it's more likely that the Fair Use Doctrine will apply.

Web Resources- Copyright Information:

- **Cornell University Copyright Information Center** [<http://copyright.cornell.edu/>]: This site offers information on copyright policy, copyright clearance services, and copyright training and tutorials.
- **Stanford University Libraries Copyright and Fair Use** [<http://fairuse.stanford.edu/>]: The Stanford Copyright & Fair Use site includes primary case law, statutes, regulations, as well as current feeds of newly filed copyright lawsuits, pending legislation, regulations, copyright office news, scholarly articles, blog and twitter feeds from practicing attorneys and law professors. Its emphasis is on copyright issues especially relevant to the education and library community, including examples of fair use and policies.
- **US Office of Personnel Management- Training Policy Handbook** [<http://www.opm.gov/hrd/lead/pubs/handbook/lrbsa4.asp>]: The Training Policy Handbook provides a quick overview of copyright as it applies to trainers.
- **Social Times- Copyright** [<http://socialtimes.com/tag/copyright>]: This link goes to articles tagged with a copyright tag on the Social Times website.

Books and Articles:

- Butler, Rebecca P. Copyright for Teachers & Librarians in the 21st Century. New York: Neal-Schuman Publishers, 2011. Print. [[KF2995 .B885 2011](#)]
- Mazzone, Jason. Copyfraud and Other Abuses of Intellectual Property Law. Stanford, CA: Stanford Law Books, 2011. Print. [[KF2994 .399 2011](#)]
- Patry, William F. How to Fix Copyright. Oxford: Oxford University Press, 2011. Print. [[K1420.5 .P3757 2011](#)]

Search Terms for More Information:

- Intellectual property
 - Copyright
 - Copyright Infringement
 - Fair Use
 - Piracy (copyright)
 - Copyright and Distance Education
 - Copyright, Government employees'
 - Public Domain
 - Trademark
 - Patent
 - Digital Millennium Copyright Act
 - Intellectual Property Infringement
- Intangible property

Web Resources- Copyright Free Material:

- **Search Google:** Go to Google Image and enter your keywords. Following the keywords type 'site:.gov' and Google will only search for images on sites ending in .gov. Since images created by a government entity are in the public domain, those images should be safe to use.
- **Creative Commons Search** [<http://search.creativecommons.org/>]: This site searches for media that has been made available on the internet with a creative commons license.
- **Vimeo Music Store** [<http://vimeo.com/musicstore>]: While there are many paid tracks in the Vimeo music store, searching just the Creative Commons or FREE tracks will reward you with a bountiful list of tunes using a Creative Commons license that only requires you to give attribution for the music you're using.
- **Internet Archive- Movie Archive** [<http://www.archive.org/details/movies>]: Hundreds of thousands of public domain video clips, films, community submitted clips, and older historical news reels. "Near unrestricted" use of the videos on this site is its main selling point. Some videos are only available for streaming, but all downloadable videos are in the public domain, and available for use in any media projects.