



MINIGUIDE TO FAIR USE & CLASSROOM COPYING

FAIR USE GUIDELINES

Determining if a use is a fair use requires a circumstance-specific analysis of **all** four factors from Section 107 Title 17 of the US Code:

“In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- 1) the **purpose and character** of the use, including whether such use is of a 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; and
- 4) the **effect of the use upon the potential market** for or value of the copyrighted work.”

CLASSROOM COPYING GUIDELINES

SINGLE COPIES

Single copies of the following materials can be made for research or teaching:

- Book chapter
- Article from periodical
- Short story, essay, poem
- Chart, picture, graph, cartoon, etc., from a book or periodical

MULTIPLE COPIES

Multiple copies are OK to distribute for in-class use if these 4 tests are met:

TEST	EXAMPLE
1) Brevity	<ul style="list-style-type: none"> • Article less than 2,500 words • Poem less than 250 words • Excerpt less than 1,000 words or 10% of work, whichever is less • One chart, picture, graph from a book
2) Spontaneity	<ul style="list-style-type: none"> • Copying is at the inspiration of the individual teacher
3) Cumulative Effect	<ul style="list-style-type: none"> • Number of uses from same work or author limited • Only for one course, no more than 9 instances
4) Has Copyright Notice	<ul style="list-style-type: none"> • <i>Notice: This material may be protected by copyright law (Title 17, Sec. 107, U.S. Code)</i>

For details, exceptions, and qualifications, see the Hatch Virtual Library Copyright Information page at <http://library.baypath.edu/copyright-information-faculty>