

Copyright Guidelines

Introduction

The purpose of copyright law is stated in the U.S. Constitution, Article I, Section 8: “Congress shall have Power...To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”

What this says is that creators are given exclusive rights to promote their works so that they have the incentive to create new works, for the betterment of society as a whole. This right should be granted for a period of time sufficient for the creator to obtain a satisfactory profit, but after that time has passed the work should belong to the public domain (that is, to everyone, free of charge).

Copyright is governed by federal law ([Title 17 of the U.S. Code](#)). Copyright covers any work that can be fixed into a tangible form of expression, including books, choreographic works, computer programs, videos, or images. Ideas and facts, in and of themselves, cannot be copyrighted.

What is “Fair Use?”

Special provisions are made in federal copyright law to allowing copying in the classroom ([section 107](#)), and in libraries and archives ([section 108](#)). Section 107 states,

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.

Legally, fair use is determined case-by case on the basis of a balance of the four factors listed above although precedents set by court cases have, in certain cases, defined these factors more concretely. Note that purpose is only *one* of the four factors, and the mere fact of non-commercial use does not by itself determine fair use.

How does this affect me?

Faculty, students, and staff of the GTU, and in addition, the GTU as an institution, are each expected abide by Copyright Law. While this sets limits on copying, at the same time each of us are *encouraged* to exercise our full rights granted to us by the provision of Fair Use.

Practically speaking this means:

- Each individual should have a reasonable understanding of copyright law. The resources at the bottom of this page have been selected to help you in this process.
- Copying for personal use in research, (for example, using the copying machines in the library) of one or two of chapters from a book, or an article from a journal issue would

normally be considered fair use, but copying an entire book could be subject to copyright restrictions. Theses and dissertations are just like any other book.

- Use of an image (whether from a book or a website) by a student for a term paper or presentation would be normally be considered fair use, provided the image was only used for that class, and not reproduced for additional use (for example, put up on a website that will persist after the class ends). If you wish to use an image in a website, instead of copying it, consider simply linking to the image on the original website.
- Using brief quotations (with proper footnoting, of course) is considered fair use, but you should obtain permission to reprint entire works such as poems or images in your thesis or dissertation.
- Copying of works in the public domain is, of course, permissible, though fees can be charged for access to the original work. For more information on how to determine if a work is in the public domain, see below.
- Plagiarism and copyright are different issues. It might be permissible under copyright law, for example, to copy a small portion of someone else's work and use it in your term paper. However, if you failed to cite the real author for his or her words/ideas, than this would be an act of plagiarism. Plagiarism is considered a serious violation of academic policy, and you should always be careful to give credit where credit is due. For more information, see the GTU Library's handout, *Getting Started in Research* (available at the library or on the web at <http://library.gtu.edu/tutorials/starting.pdf>) in the section entitled "Writing Advice."

For more information

U.S. Copyright Office <http://www.copyright.gov/>. See especially the "Copyright Basics" section at <http://www.copyright.gov/circs/circ1.html>

Read about the history of "copyright" at the Encyclopædia Britannica Online site, <<http://www.search.eb.com/eb/article?eu=26641>>

The Fair Use Network: <http://fairusenetwork.org/>

Fishman, Stephen. *The Public Domain : How to Find Copyright-Free Writings, Music, Art and More*. Berkeley, CA : Nolo Press, 2001.