

Fair Use Guidelines

CWUP 5-120-040 Fair Use Guidelines

The Copyright Act of 1976 ([Title 17 U.S. Code](#)) grants to copyright owners the exclusive right to reproduce, distribute, perform, and display their works.

As a general rule, copying, distributing, making derivative works, displaying or performing copyright-protected work requires the permission of the copyright owner. However, copyright law provides several important exceptions to this rule. The best known exception to copyright owners' exclusive rights is Fair Use.

The principle of Fair Use has been developed through many court decisions and is codified in Section 107 of the copyright law. Section 107 sets out four factors to be considered in determining whether a particular item falls under Fair Use:

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.
4. The effect of the use upon the potential market for or value of the copyrighted work.

For purposes such as criticism, comment, news reporting, teaching, scholarship, or research, the use made of a copyrighted work is Fair Use and is not an infringement of copyright. For more information see <http://www.copyright.gov/fls/fl102.html> (U.S. Copyright Office – Fair Use Factsheet). (Modified from The University of Washington Libraries and The University at Buffalo Libraries.)

[Responsibility: Library Dean; Authority: Marilyn Levine, Provost/VP for Academic and Student Life; Reviewed/Endorsed by Provost's Council; 09-11-2013: Cabinet/JPAC; Review/Effective Date: 02-05-2014; Approved by: James L. Gaudino, President]

Source URL: <http://www.lib.cwu.edu/FairUseCopyrightedLibraryReserveMaterials>