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Understanding © & Educational Fair Use at AUC *Jayme Spencer, Senior Librarian & Director of Public Services*

Back in the day, copyright was an issue that turned on the presence of the © of the material proposed for usage, the numbers of pages one could copy from a book or a journal, and the permissions needed to reproduce visual images. Today's information rich environment with not only print but digital formats has made these areas even less easy to determine. According to one scholar the challenge posed by the digital and network realities is a threat to copyright laws, both in the United States and around the world. (Neale, 12)

In a recent CLT workshop on copyright, participants focused on specific questions about designing course materials, tests, and text books for publication. They wanted to know just how much they could copy from authentic materials before needing to give attribution or seek permission for use. These are reasonable questions with no exact answer – it depends on a variety of factors. Before examining some of those factors, I'd like to address the question of why AUC should pay attention to copyright, especially US copyright.

“The core mission of colleges and universities is to create and distribute knowledge in order to enrich and improve the lives of individuals and to strengthen society. Intellectual property law has become a major factor in how we are able to conduct that mission.” (McPherson, 4) That AUC is incorporated in the US, thus subject to US Copyright laws is another major factor. In addition, Egypt signed the Berne Convention in 1975 guaranteeing protection of international copyrights. In 1995, Egypt signed TRIPS: The Agreement on Trade Related Aspects of Intellectual Property Rights (IPR) that expanded protection to patents, computer programs, databases, trade-marks, designs and promoted protection of IPR. The US copyright law has two major sections that concern educational institutions directly – section 107 and section 108. These are the sections that have supported our academic work in classrooms, labs and libraries for years.

Section 17 U.S.C. §107 define four factors that determine fair use within the educational setting:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- the nature of the copyrighted work;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole;
- the effect of the use upon the potential market for or value of the copyrighted work.

Working with these definitions, many organizations and institutions have devised charts to help educators determine if their proposed usage fits a fair use definition. Many examples may be found of these charts by Googling “fair use chart”. One that I particularly like has been developed by the Copyright Management Center, IUPUI with a series of choices either favoring or opposing fair use. Using this chart as an example, let's consider the amount of the material you want to reproduce.

AMOUNT

Favoring Fair Use

- Small quantity
- Portion used is not central or significant to entire work or "heart of the work"
- Amount is appropriate for favored educational purpose

Opposing Fair Use

- Large portion or whole work used
- Portion used is central to work

“Checklist for Fair Use.” Copyright Management Center, IUPUI, 2003.

Instead of calculating a certain percentage, you are asked to use your judgment as to the importance of the material. It should be remembered that this judgment would be influenced by answers on all four sections not only one.

Another chart I recommend that you look at when making these decisions is from the Association of Research Libraries. This chart looks at exhibiting materials in a live classroom, posting materials to an online class, distributing readings, and creating electronic reserves. It distinguishes between where one is allowed to copy and where one must link only. Again, these are only guidelines. Do note the copyright information on this publication: *This chart is © 2007 Association of Research Libraries (ARL) and is available for your re-use under a Creative Commons Attribution-NonCommercial 2.5 License (creativecommons.org/licenses/by-nc/2.5/)*. Often, by checking at the bottom of a webpage or clicking on an icon or link to the home institution you can easily determine the conditions of usage. Graphics are also often labeled with information concerning their usage.

When the intention is to build a textbook with an eye for publication, the instructor must be careful to secure permission for any material he/she has not specifically authored. This can be a time-consuming operation and may lead to rejection by the copyright holder.

Several years ago, Libraries and Learning Technologies wrote a guideline for copyright compliance for all units within the School. These may be found on the LLT Webpage. The Main Library and the RBSCCL post the guidelines for photocopying and printing from the databases at all the print/photocopy stations. The Center for Learning and Teaching uses the guidelines to train Student Technology Assistants in handling copyright issues.

Many universities have established offices to advise and educate faculty, students and staff on these issues. A few excellent examples are Columbia University, University of Texas at Austin, University of Indiana, Purdue University, Indianapolis, and Brigham Young University. All of these have a version of a copyright clearance or management or advisory office which supports academic work in this realm by helping to determine the need for copyright clearance and to seek permission when needed. Here at AUC, we need to at least agree within schools, if not campus wide, on ways to make these decisions. An important document I would recommend to all interested parties to read is [Campus Copyright Rights and Responsibilities: A Basic Guide to Policy Considerations](#). This paper was produced by representatives of the Association of American Universities, the Association of Research Libraries, the Association of American University Presses and the Association of American Publishers to help colleges and universities navigate copyright issues. It presents information on copyright law and how it applies to traditional published works, digital materials, educational materials produced on campus, and library usage of copyrighted material. Perhaps it is time to consider the establishment of such a center on the AUC campus that could define and promote copyright compliance and IPR issues for faculty, students and staff.

For useful resources and guidelines on copyright issues please consult CLT's website page at the following URL <http://www.aucegypt.edu/academics/llt/clt/TeachingEnhancement/Pages/CopyrightGuidelines.aspx>

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