

# Copyright and Fair Use Essentials in Publishing and Teaching

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## *Copyright Basics*

- Part of the Constitution
- “original works of authorship fixed in any tangible medium of expression” (17 U.S. Code § 102)
- Bundle of rights (e.g. copy, adapt, re-use, perform)
- Duration – life of the author plus 70 years
- No longer need – to register, to display ©, to publish
- Public Domain – works by U.S. government, and pre-1923
- Fair Use - part of copyright law; needed to balance copyright and First Amendment

## *Fair Use: The Four Factors*

<http://sites.tufts.edu/scholarlycommunication/copyright/about-fair-use/>

### *1) Amount and Purpose of the Use*

- a. Why do you need this? What do you plan on doing with it? What’s your story?
- b. Is it for a non-profit and/or educational purpose? Do you need it to comment, critique, or parody?
- c. **Is it transformative?** Does it convey “new meaning, expression, or message?”

### *2) Nature*

- a. Is it a very creative work or more factual in nature?

### *3) Amount*

- a. **Is the amount appropriate to the use?** Use just what you need for your purpose.
- b. Is the piece you are using “the heart” of the work?

### *4) Market*

- a. Is the copyright holder currently harmed by your use? Will your use be in direct competition with the original?
- b. Is common practice in your field to request a license?
- c. Would you feel more comfortable asking for permission?

## *Additional Support*

- Judy Rabinowitz: [judy.rabinowitz@tufts.edu](mailto:judy.rabinowitz@tufts.edu), ext. 63854
- Ask a Librarian: [hsl@tufts.edu](mailto:hsl@tufts.edu), ext. 66705
- Tufts Scholarly Communication Team: <http://scholarlycommunication.tufts.edu>, [libsct@elist.tufts.edu](mailto:libsct@elist.tufts.edu)

## *Selected resources for finding Images, Sound, and Video*

### *In the Public Domain*

- Wikimedia Commons: <http://commons.wikimedia.org/>
- American Memory from the Library of Congress: <http://memory.loc.gov/>
- Public Domain Review: (<http://publicdomainreview.org/>)

### *With a Creative Commons License*

- Google Advanced image search, select “usage rights”: [http://www.google.com/advanced\\_image\\_search](http://www.google.com/advanced_image_search)
- Wikimedia Commons: <http://commons.wikimedia.org/>
- Flickr’s Creative Commons search: <http://www.flickr.com/creativecommons/>

### *Licensed by the Library, search Tufts Catalog:*

- SpringerImages
- AccessMedicine
- ClinicalKey
- Books@Ovid: <http://www.library.tufts.edu/ezproxy/ezproxy.asp?LOCATION=OvidbooksTOC>

## *Linking to Tufts-subscribed resources*

<http://www.library.tufts.edu/hsl/education/fullTextLinksHowTo.html>

## *Managing You Own Work*

<http://sites.tufts.edu/scholarlycommunication/resources-for-authors/>

### *Keeping Your Rights as an Author*

- Negotiate copyright transfer agreements: <http://sites.tufts.edu/scholarlycommunication/files/2011/12/amendmentToPublicationAgreement.pdf>

### *Publish Open Access*

- Directory of Open Access Journals: <http://doaj.org/>
- Deposit in the Tufts Digital Library: <http://dl.tufts.edu/>