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# To Copy or Not to Copy: Fair Use in the Classroom

Erica Novich
*Georgia State University College of Law*

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Research Guides

# To Copy or Not to Copy: Fair Use in the Classroom

### Guide Information

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### Overview

Fair use is at the crux of copyright law. Fair use is a doctrine that allows one to use another's copyrighted work without securing permission. There is a broad, four-part test that is employed in evaluating whether there is fair use. The court must weigh all four factors in its conclusion determining if a given instance is fair use or infringement. The idea of fair use is very much a gray area, so it is hard to predict how courts will decide their cases. Judges want to adhere to the principles and rights of copyright law, but also need to deliberate policy considerations; these potentially competing doctrines make it difficult to apply fair use in many instances.

Fair use is codified in the U.S. Code at 17 U.S.C. §107. This section says that the use of a copyrighted work "for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright," and will be considered a fair use. While the declaration of those specific categories might seem like a straightforward guideline for establishing whether a use is "fair," the difficulty lies in determining whether the use falls into one of the categories. To make this assessment, the court must consider four factors:

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.

The court will consider each of the factors separately, and determine whether each part leans in favor for or against a finding of fair use. Then the court will weigh the broader findings of the four factors, and conclude whether fair use does or does not apply.

The 1961 Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law (L.C. Card No. 10-35017) lists examples of activities that have been regarded by courts as fair use: "quotation of excerpts in a review or criticism for purposes of illustration or comment; quotation of short passages in a scholarly or technical work, for illustration or clarification of the author's observations; use in a parody of some of the content of the work parodied; summary of an address or article, with brief quotations, in a news report; reproduction by a library of a portion of a work to replace part of a damaged copy; reproduction by a teacher or student of a small part of a work to illustrate a lesson; reproduction of a work in legislative or judicial proceedings or reports; incidental and fortuitous reproduction, in a newsreel or broadcast, of a work located in the scene of an event being reported." This list is not exhaustive, but can be used as a point of reference to evaluate actions that have been deemed fair use in the past.

Whenever a case of potential copyright infringement arises, the defense of fair use must be considered. Making the determination of whether there is fair use or infringement is often very thorny and complex. Fair use is a broad and multifaceted concept, and there are no specific boundaries delineating what is or isn't fair use, or how much of a copyrighted work can be used without permission from the copyright holder. The most cautious approach would always be to get permission to use a copyrighted work from the copyright owner. There are licensing agencies that can assist with this endeavor should the copyright owner be unreachable. When permission cannot be obtained, the safest approach would be to avoid the use of the copyrighted material unless is it quite certain that the activity is a fair use. If there are any concerns that the doctrine of fair use may not apply, it would be prudent to consult an attorney.

### Scope

This research guide is focused on the specified favored use of "teaching (including multiple copies for classroom use)" that is delineated in 17 U.S.C. §107. Although this section explicitly mentions "multiples copies for classroom use," that right has been limited by many courts with regard to photocopying and larger-scale distribution practices. Some courts regard the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions With Respect to

Books and Periodicals" as persuasive authority, but the Classroom Guidelines have been criticized by many as hampering the ability of educators to disseminate information to their students. The topic of educational fair use is often nebulous, and is rapidly evolving with the continual development of new technologies which have dramatically altered the accessibility of copyrighted works.

### About the Author

Erica Novich is a part-time student at Georgia State University College of Law, and will graduate in January 2011. Her areas of legal interest are Intellectual Property Law and Entertainment Law.

### Disclaimer

This bibliography was created as part of Professor Nancy Johnson's Advanced Legal Research class. This guide does not constitute legal advice. It is not comprehensive, and should only be used as a starting point for the user's own research. If you have specific questions or concerns about your own copying and whether it falls within the Fair Use exception, please consult an attorney.

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## Primary Sources

### United States Constitution

Article I, Section 8, Clause 8 of the U.S. Constitution, also known as the "Copyright Clause," enumerates the power of Congress:

"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."

### United States Code

The Copyright Act of 1976 is the foundation of copyright law in the United States. It was first introduced as Pub. L. No. 94-553, 90 Stat. 2541, and was subsequently enacted in Title 17 of the U.S. Code. Of particular importance to the 1976 Act was the codification of the fair use defense to copyright infringement at 17 U.S.C. § 107.

§ 102 · Subject Matter of Copyright: In General

(a) Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories: (1) literary works; (2) musical works, including any accompanying words; (3) dramatic works, including any accompanying music; (4) pantomimes and choreographic works; (5) pictorial, graphic, and sculptural works; (6) motion pictures and other audiovisual works; (7) sound recordings, and (8) architectural works.

(b) In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

§ 106 · Exclusive rights in copyrighted works

Subject to sections 107 through 122, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

(1) to reproduce the copyrighted work in copies or phonorecords;

(2) to prepare derivative works based upon the copyrighted work;

(3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;

(4) in the case of literary, musical, dramatic and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;

(5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and

(6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

§ 107 · Limitations on exclusive rights: Fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. 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.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

## Case Law

### Educational Fair Use Cases

*Basic Books, Inc. v. Kinko's Graphics Corporation*, 758 F. Supp. 1522 (S.D.N.Y. 1991).

This was the first in a series of "coursepack" copying cases. An action was brought against Kinko's by eight publishers, who claimed that their copyrights were infringed when Kinko's photocopied coursepacks containing chapters from the publishers' books and then sold them to students for use in their university classes. The court analyzed the four fair use factors, and concluded that three of the four elements leaned against a finding of fair use. With regard to "purpose" of the use, they found that the copying by Kinko's was for their own commercial purposes, and not for educational purposes. With regard to the "nature of the copyrighted work," most of the works were factual, which leaned in favor of fair use. With regard to the "amount used," the court found that a use between five and twenty-five percent of the original work was excessive, especially since the parts copied were significant parts of the work, and each of the pieces could stand alone. With regard to the "effect on the potential market," the court found that the coursepacks directly competed with the publishers' sales of the original books to the students, which weighed against fair use. Although the court found that Kinko's did infringe the publishers' copyrights, it specifically refused to rule that all coursepacks are infringements. Instead, they called for each item in the coursepack to be subject individually to a fair use analysis. In addition, the court left open the question of fair use by a nonprofit institution itself.

*Princeton University Press v. Michigan Document Services*

, 99 F.3d 1281 (6th Cir. 1996).

This case has been the topic of much debate, and its application of the fair use factors is supported by some and criticized by others. In addition, the court was split in its decision, with eight judges ruling against a finding of fair use, and five finding fair use. In this case, a private copyshop generated and sold coursepacks under very similar circumstances to those in the *Kinko's* case. The results were the same as in *Kinko's*, and the copyshop was found liable for copyright infringement. In its analysis of the fair use factors, the court found the copying to weigh against a finding of fair use. With regard to "purpose," the court again found that the copyshop's actions were for-profit and commercial, and not transformative, leaning against fair use. With regard to "nature," although the copied works were nonfiction, the court found that the selection of excerpts reflected some creativity, which leaned against fair use. With regard to "amount copied," the copyshop reproduced between five and thirty percent of each work, leaning against fair use. Finally, with regard to "effect on the potential market," the court was particularly focused on the negative impact felt on the market by this copying. The court noted that there were opportunities to license all of the copied materials, and that other copyshops made a point to obtain those licenses. This weighed heavily against fair use. Ultimately, the court found that such photocopying by a commercial copyshop, without permissions from the relevant publishers, does not constitute fair use. As in *Kinko's*, the court again did not contemplate the creation of coursepacks if conducted by a university or noncommercial copyshop.

*Blackwell Publ., Inc. v. Excel Research Group, LLC*, 661 F.Supp.2d 786 (E.D. Mich. 2009).

In this case, publishers of copyrighted works brought a copyright infringement action against a company that provided photocopying equipment and additional services to students and faculty at the University of Michigan, a state institution. Although the university had license agreement with the publishers in place, the agreements approved of copying and printing of the material by "Authorized Users," which included members of the academic community. However, the copyshop was not deemed to be an Authorized User, and the students were not allowed to copy and pay for coursepacks at an offsite copyshop. Even though the students did the copying themselves, the copyshop was the central administrator of the reproduction, retaining the master copy of the coursepack, giving it to students to copy, maintaining the condition of the coursepack, and accepting payment for use of their equipment and supplies. The court found that Excel, the copyshop, was liable for copyright infringement, and was not protected under fair use.

*American Geophysical Union v. Texaco, Inc.*, 60 F.3d 913 (2d Cir. 1994).

In this case, Texaco had a library filled with various scientific and technical journals. The library had single subscriptions to these journals and routinely circulated the one copy among its researchers, making copies upon request. The court found that Texaco's practice was against fair use, focusing on the effect on the potential market for the copyrighted work. Although Texaco would not have had the option to purchase individual copies directly from the publishers, they could have licensed photocopy rights from the Copyright Clearance Center. The court felt that Texaco's unauthorized copying directly undercut the market.

*Williams & Wilkins Co. v. United States*, 420 U.S. 376 (1975).

This per curiam opinion held that it was fair use for libraries to photocopy articles for use by patrons engaged in scientific research. The court did not hold that such copying was explicitly prohibited by the law, but instead left it to Congress to address the issue through legislation. This was done in part by the Classroom Guidelines, but was not officially incorporated into the Copyright Act of 1976.

*Encyclopaedia Britannica Educational Corp. v. Crooks*, 542 F.Supp. 1156 (W.D.N.Y. 1982).

In this case, a copyright infringement action was brought against a conglomerate of public schools by commercial producers of educational motion pictures and videos. The academic institutions engaged in large-scale video reproduction of plaintiffs' copyrighted works which were broadcast on television and recorded by the schools. The non-profit consortium asserted fair use stemming from its mission to provide more economical and efficient educational services than the individual schools could provide on their own. The court found that the association was liable for copyright infringement, and was not protected under fair use.

*Folsom v. Marsh*, 9 F.Cas. 342 (1841).

This influential copyright law case established the four factors of fair use analysis that were subsequently codified in the Copyright Act of 1976. The test put

forth by Justice Story became the guiding standard for the current concept of fair use.

### Guidelines

The United States Copyright Office, in its Circular 21 "Reproduction of Copyrighted Works by Educators and Librarians," published proposed "Classroom Guidelines" that address reproduction of copyrighted works for teaching in educational institutions. The circular contains basic information from key legislative provisions pertaining to reproduction by educators. The relevant portions provided below come from the "Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals." This agreement was negotiated by organizations representing educational institutions, authors and publishers, and was included in the 1976 report of the House of Representatives Judiciary Committee on the House amendments to the bill that became the Copyright Act of 1976 (H.R. Rep. No. 94-1476, 94th Cong., 2d Sess., September 3, 1976). The purpose of the guidelines is to state the *minimum* standards of educational fair use under Section 107 of the Copyright Act. However, a use that exceeds or does not fall within these guidelines may still be protected as a fair use. The Classroom Guidelines are not law; they merely provide useful criteria for educators to reference.

With respect to the copying of books and periodicals, the Guidelines state:

*I. Single Copying for Teachers*
A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class: A) A chapter from a book; B) An article from a periodical or newspaper; C) A short story, short essay or short poem, whether or not from a collective work; D) A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

*II. Multiple Copies for Classroom Use*
Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion provided that: (A) The copying meets the tests of brevity and spontaneity as defined below, and (B) Meets the cumulative effect test as defined below, and (C) Each copy includes a notice of copyright.

The definitions referred to in *II.* are provided with additional standards:

*Brevity*
i. Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
ii. Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.
[Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]
iii. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
iv. "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof, may be reproduced.

*Spontaneity*
i. The copying is at the instance and inspiration of the individual teacher, and
ii. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

*Cumulative Effect*
i. The copying of the material is for only one course in the school in which the copies are made.
ii. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
iii. There shall not be more than nine instances of such multiple copying for one course during one class term.
[The limitations states in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

*III. Prohibitions as to I and II Above*
Not withstanding any of the above, the following shall be prohibited:
A) Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
B) There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
C) Copying shall not: (a) substitute for the purchase of books, publishers' reprints or periodicals; (b) be directed by higher authority; (c) be repeated with respect to the same item by the same teacher from term to term.
D) No charge shall be made to the student beyond the actual cost of the photocopying.

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## Secondary Sources

### Law Review Articles and Law Journals

David A. Simon, *Teaching Without Infringement: A New Model for Educational Fair Use*, 20 Fordham Intell. Prop. Media & Ent. L.J. 453 (2010).

This recent article highlights the unbalanced nature of the Classroom Guidelines, and how they have not advanced the needs of teachers or students. It notes that the essence of the Guidelines puts the interests of authors and publishers ahead of the interests of educators, and has had destructive consequences for academic institutions. The article proposes the creation of an administrative agency, which the author calls the Copyright Regulatory Administrative Body ("CRAB"), limited exclusively to the administration of educational fair uses of copyrighted materials.

Deborah Gerhardt & Madelyn Wessel, *Fair Use and Fairness on Campus*, 11 N.C. J. L. & Tech. 461 (2010).

This current article emphasizes the crucial need for fair use in higher education. It presents data which shows the inequality of access to and use of information on different campuses. For universities with limited resources, fair use is vital to allow educators and students to access unlicensed copyrighted works for educational purposes. The same idea would apply to individual scholars with limited funds and limited access. Unequal resources among educational institutions are of great concern, and should be a compelling reason to implement the doctrine of fair use.

Carol M. Silberberg, *Preserving Educational Fair Use in the Twenty-First Century*, 74 S. Cal. L. Rev. 617 (2001).

This note examines the changing landscape of fair use that has been impacted by an increase in licensing markets for copyrighted works. As a result, courts have begun to place greater weight on the availability of licensing in fair use analyses, but without accounting for changes in technology. The author concludes that the combination of licensing and technology have diminished the scope of fair use in the educational setting, and predicts that these trends will ultimately result in the elimination of fair use for educational institutions. She further posits that the eradication of educational fair use would work against the dissemination of information and the quality of education, while simultaneously increasing the cost of education.

Beth A. Constant, *CHALK TALK: The Fair Use Doctrine: Just What Is Fair?*, 29 J.L. & Educ. 385 (2000).

This short article begins by examining the notable university coursepack cases, and concluding that those results narrow the scope of fair use. The author acknowledges that creating university coursepacks is still a hot topic of debate, but one that is increasingly overshadowed by issues of fair use in the multimedia context.

Ann Bartow, *Educational Fair Use in Copyright: Reclaiming the Right to Photocopy Freely*, 60 U. Pitt. L. Rev. 149 (1998).

This article starts with the words "This article may be freely photocopied and distributed for nonprofit educational purposes." The introduction poses a familiar scenario, in which a law professor wants to distribute a current newspaper article to the 80 students in her Torts class, and then wants to do the same the following year, but is restricted by the Classroom Guidelines and concerns of potential copyright infringement. The article focuses on the "incredible shrinking affirmative defense of educational fair use," and how this is exposing educators to more liability for copyright infringement. With the diminishing opportunities for educators to freely disperse information, students are being deprived of the exposure to varied perspectives and scholarly works.

Stephana I. Colbert & Oren R. Griffin, *The Impact of "Fair Use" in the Higher Education Community: A Necessary Exception?*, 62 Alb. L. Rev. 437 (1998).

This article gives attention to the challenges faced by academic administrators and attorneys who strive to advise their academic partners on the limitations and boundaries of the fair use doctrine. They recognize the importance of being able to share and disseminate information in an academic setting, but while acting in accordance with copyright laws and limiting institutional liability. The article highlights common misinterpretations of the fair use doctrine by academicians, and suggests that universities make changes by taking steps to guide their employees and develop their policies.

Michael G. Frey, *Unfairly Applying the Fair Use Doctrine: Princeton University Press v. Michigan Document Services, 99 F.3d 1381 (6th Cir. 1996)*, 66 U. Cin. L. Rev. 959 (1998).

This casenote examines educational fair use, and the Supreme Court's interpretation of the fair use doctrine generally. It also examines the majority and dissenting opinions in *Princeton*, and ultimately concludes that the majority erroneously weighed the fair use factors and should have found the defandant's actions to be protected under fair use. This analysis can be distinguished from that in the Miller case comment below.

Todd Miller, *Coursepacks and Copyright: Fair Use in Princeton University Press v. Michigan Document Services*, 23 J.C. & U.L. 525 (1997).

This case comment gives background information on coursepacks, and unfolds a detailed analysis of *Princeton*. The author ultimately concludes that although the *Princeton* majority evaluated the Classroom Guidelines erroneously, the court properly weighed the fair use factors against a finding of fair use.

Bernard Zidar, *Fair Use and the Code of the Schoolyard: Can Copyshops Compile Coursepacks Consistent with Copyright?,* 46 Emory L.J. 1363 (1997).

This comment evaluates the feasibility of general copying for classroom use as fair use under copyright law. It also examines the issue of general copying for classroom use when executed by a for-profit copyshop as opposed to a student, educator, or academic institution. The author proposes a new fair use test in which the analysis would focus on the amount of and circumstances of the actual copying.

## Treatises

A legal treatise is a book that extensively covers a particular area of law. While some treatises are more narrowly tailored, others focus on broader topics, such as a general field of law.

Melville B. Nimmer and David Nimmer, Nimmer on Copyright (LexisNexis/Matthew Bender 2010).

This 11-volume treatise is the definitive text on copyright law, and is cited in more court opinions than any other copyright law treatise. Nimmer's interpretations of both recent and traditional copyright issues are valued across the community for the insight and comprehensive analyses that they provide. There is a section called "Fair Use and Reproduction for Educational and Scholarly Purposes" which poses substantive arguments about educational fair use (9-16 Nimmer on Copyright [26]Chapter II). Available on LexisNexis or at the Georgia State University College of Law Library (Call Number: KF2991.5 .N5 1993).

Bruce P. Keller and Jeffrey P. Cunard, Copyright Law: A Practitioner's Guide (Practicing Law Institute 2009).

This treatise from the PLI is updated at least once a year, and is a very useful guide to assist with interpretations of copyright law. The single volume

contains explanations of the federal copyright laws and relevant case law, as well as the rights, remedies and processes available to copyright owners. The treatise also provides practical tools and checklists for its readers to implement in their own matters. Available on Westlaw or at the Georgia State University College of Law Library (Call Number: KF2994 .K345 2001).

### Books

- Fair Use, Free Use, and Use by Permission: How to Handle Copyrights in All Media by Lee Wilson
  Call Number: KF2995 .W477 2005
  https://gil.gsu.edu/cgi-bin/Pwebrecon.cgi?BBID=1493379This book explains what constitutes fair use, and how to get permission to use a copyrighted work when there is no protection under fair use. The reader is provided with forms, charts, and resource lists to help navigate the process.
- Copyright Law on Campus by Marc Lindsey
  Call Number: KF3030.1 .L56 2003
  http://gil.gsu.edu/cgi-bin/Pwebrecon.cgi?BBID=287972This book highlights the need for campus policies and copyright education programs at universities. The author looks at how recent developments in the law can safeguard academic institutions, and how they can utilize that protection.
- Copyright for Teachers and Librarians by Rebecca P. Butler
  Call Number: KF2995 .B88 2004
  http://gil.gsu.edu/cgi-bin/Pwebrecon.cgi?BBID=1430799This book is aimed at a K-12 audience. It serves as an uncomplicated guide to copyright law for educators and students alike. The author poses countless hypothetical scenarios, and then provides answers and solutions through easy-to-understand flow-charts. There is a follow-up book, Copyright for Teachers and Librarians in the 21st Century, slated for release in 2011.
- Copyright Law for Librarians and Educators: Creative Strategies and Practical Solutions by Kenneth D. Crews
  Call Number: KF2995 .C74 2005
  http://gil.gsu.edu/cgi-bin/Pwebrecon.cgi?BBID=1487006This book addressed copyright law in several parts. The author reviews the fundamentals of copyright protection and ownership, fair use and its guidelines, and newer copyright laws pertaining to digital uses.

### Legal Encyclopedias

American Jurisprudence (Am. Jur. 2d) is a legal encyclopedia that covers all areas of United States law. The volumes contain over 400 topics that are alphabetically arranged. This legal encyclopedia can be found on Westlaw or LexisNexis.

18 Am. Jur. 2d Copyright and Literary Property §§ 78 - 83 (2010).

This article, written by Lisa A. Zakolski, discusses copyright law in connection to literary property. The noted sections examine fair use generally, and each of the factors to be considered when undergoing a fair use analysis. Of particular importance is §81, Educational fair use. This entry refers to the U.S. Copyright Office's Classroom Guidelines, and emphasizes that they evoke the type of educational copying contemplated by Congress.

### Blogs

There are many law blogs out there which cover topics in copyright law and intellectual property. The blogs listed below contain a notable presence of entries pertaining to the topic of fair use. For a more extensive list of copyright law blogs, please visit Justia.com's Blawg Directory.

Fairly Used Blog
http://fairuse.stanford.edu/blog/
A blog run through the Stanford Copyright & Fair Use website, which was created in response to discussion surrounding the *Michigan Documents Services* case.

Shades of Gray
http://www.shadesofgraylaw.com/
A blog that analyzes current developments in copyright law.

Owners, Borrowers & Thieves 2.0
http://iplitigator.huschblackwell.com/
A blog about IP ownership, use and enforcement in the 21st century.

Copycense
http://www.copycense.com/
An online publication that provides insight, commentary, and scholarship on copyright, licensing, intellectual property, and digital media.

Ex©lusive Rights
http://senlawoffice.com/exclusiverights/
A copyright law blog covering litigation, policy and academia.

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## Interest Groups and Associations

## Federal Agencies

- United States Copyright Office
  http://www.copyright.gov/
  The U.S. Copyright Office's webpage aims to serve the needs of copyright owners and users, as well as those of the general public. It contains links to all copyright law and regulations, to copyright-related organizations, and to their own informational circulars.

## Interest Groups and Associations

- American Association of University Professors
  http://www.aaup.org/aaup
  The AAUP's goal is to advance acadmic freedom and standards for higher education. The association publishes a journal and provides insightful information for members of the academic community.
- The Center for Social Media
  http://www.centerforsocialmedia.org/fair-use
  The organization's site has a link for the topic of fair use. They provide fair use teaching tools and a code of best practices in fair use for scholarly research.
- The Copyright Society of the U.S.A. (CSUSA)
  http://www.csusa.org/
  The CSUSA is geared towards the copyright law community, but provides more basic information on its FAQs and Copyright Links.
- American Library Association
  http://www.cni.org/docs/infopols/ALA.html
  This site contains a Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use that may be useful in formulating guidelines.
- University System of Georgia - Copyright Policy
  http://www.usg.edu/copyright/
  USG's Copyright Policy is listed on this site, and there is also a section dedicated to the Fair Use Exception. It also includes a "Fair Use Checklist" which serves to assist educators in conducting an objective analysis of the four fair use factors in establishing whether the use of a work is fair use. Many other universities contain similar policies and guidelines on their websites.

## Collective Licensing Agencies

Collective Licensing Agencies are organizations that streamline copyright ownership information. This centralization makes the process of obtaining permission to use copyrighted materials more accessible and simpler. However, it should be noted that these organizations do not have licensing agreements for all works that have ever been published. As such, it may still be required that the author and/or publisher be contacted directly for a license granting permission to use the desired work.

- Copyright Clearance Center
  http://www.copyright.com/
  Grants permission for thousands of works, many instantly online. "Get Permission" section allows educators to pay per use. "Copyright Education" section offers various tutorials and guidelines specifically tailored for academic institutions.
- The Authors Registry
  http://www.authorsregistry.org/
  This organization functions as a clearinghouse, collecting and distributing payments to author-payees. Payments are generally for photocopying and other similar uses of copyrighted works that are effectuated by blanket licenses. The agency retains a 5% commission from all payments they disburse.
- Author's Licensing and Collecting Society
  http://www.alcs.co.uk
  This membership organization is the largest licensing agency in the UK. It collects and pays monies due to writers for secondary uses of their works, such as photocopying and educational recording. Lifetime membership costs £25 and is deducted from the first royalty payment due to the author.
- Access Copyright
  http://www.accesscopyright.ca
  This Canadian copyright licensing organization provides access to over 20 million publications through agreements with other international copyright organizations. The "Educator" section presents options for comprehensive photocopy licenses, or for broader pay-per-use licenses that go beyond the scope of copying.

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