



Fair Use & The Teach Act For CWU Online Instructors

Geri Hopkins, Instructional Design Librarian



Why Do We Care?

Lawsuits against academic institutions for copyright infringement is no longer a hypothetical.



Recent Court Cases

- Author's Guild v. Google – Digitizing sections of books, but providing link to purchase the books. In appeal.
- Author's Guild v. HathiTrust – Digitizing Academic Library Books, creating accessibility for disabled readers. In appeal.
- Cambridge University Press v. Becker – CUP sued Georgia State University staff for digitizing electronic course reserves. In appeal.
- AIME v. UCLA – Ambrose Video sued UCLA for streaming video to students. The case was dismissed, *but only on technicality because Ambrose is not the copyright holder.*

Court Case Reading

- Author's Guild v. HathiTrust
[The HathiTrust Case and Appeal: Fair Use and Technology](#)
- AIME v. UCLA
[Judge Throws Out Copyright Lawsuit Over UCLA's Streaming of Videos to Students](#)
- Google Books
[Judge Dismisses Authors' Lawsuit Against Google Books](#)
- Cambridge University Press v. Georgia State
[Publishers and Library Groups Spar in Appeal to Ruling on Electronic Course Reserves](#)



When To Be Aware Of Fair Use?

- Clipping and copying materials into teaching tools
- Posting materials for distance learning
- Developing databases of copyrighted works for research
- Sharing articles and other materials with colleagues
- Developing digital libraries
- Placing copies on library reserves



4 Factors of Fair Use

From Section 107, US Copyright Law

1. Purpose and character of the use; is it for commercial or nonprofit educational purposes
2. Nature of the copyrighted work; if it was primarily created for the educational market is likely disfavored for fair use arguments; same as for artistic, rather than non-fiction, works
3. Amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. Effect of the use upon the potential market for or value of the copyrighted work






TEACH Act of 2002

"Technology, Education and Copyright Harmonization Act"

TEACH redefines the terms and conditions on which accredited, nonprofit educational institutions throughout the U.S. may use copyright protected materials in distance education-including on websites and by other digital means--without permission from the copyright owner and without payment of royalties.

-- American Libraries Association



Specific technological requirements of the TEACH Act that are relevant to Blackboard™ :

In summary, if instructors and/or institutions wish to take advantage of the opportunities provided by the TEACH Act for using copyrighted materials, they must reasonably:

- limit access to copyrighted works to students currently enrolled in the class;
- limit access only for the time needed to complete the class session or course;
- inform instructors, students, and staff of copyright laws and policies;
- prevent further copying or redistribution of copyrighted works;
- not interfere with copy protection mechanisms

The Library Suggests:

- Have your students *search* for articles in library databases, rather than using a pdf wherever possible
- Linking to resources on the open web for music or video
- Submit a formal request for streaming video, Brooks Library & MML will do our best to fulfill them
- Be careful about copying book chapters





Brooks Library Streaming Services

<http://www.lib.cwu.edu/ServicesFaculty>

**Academic & Research
Commons**

**Search & Find
Services**

Ask A Librarian
Circulation
Interlibrary Loan
Archives & Special
Collections
Government Publications
Music
Computers & Equipment
Services For Faculty
Recommend A Book
Purchase

View

Edit

Services For Faculty

University Libraries strives to support our faculty in their instructional endeavors. Here are some starting points to assist you:

- Interlibrary Loans
- Circulation Of Library Materials
- Selection Of Library Materials
- Library Faculty Liaisons
- Library Instruction
- Research Guides
- **Streaming Services**
- Contact Us

Interlibrary Loans

If you cannot locate books or other materials that you need, you can contact the Interlibrary Loan Service (ILL) to:

Fair Use & Teach Act Resources

- [Teach Act Checklist](#) – Colorado State University
- [Fair Use Evaluator](#) – American Libraries Association
- [Code Of Best Practices In Fair Use for Online Video](#) - American University's Center For Social Media
- [Stanford Copyright & Fair Use Center](#) – Stanford University



For More Info

Gerri Hopkins

Instructional Design Librarian

Multimodal Learning/Brooks Library

hopkins@cwu.edu

(509) 963-1925

