

--This document is not legal advice--

**You may use someone else's copyrighted material if:**

1. The work is associated with a license that permits your use (eg: [Creative Commons licenses](#))
2. You have explicit permission for your use
3. Your particular use qualifies as a *Fair Use*

*Fair use* is a limitation in US law that may justify uses of copyrighted works without prior permission or payment of a royalty. **Making fair use assessments is the responsibility of the instructor.** *The following considerations are important when assessing fair use for all teaching.*

- **Limit the amount used.**

Reasonable, limited, educational, scholarly uses of materials weigh toward fair use. Using an amount appropriate to the purpose and tied to critical analysis will weigh toward fair use. So, use a small fraction: one or two chapters from a book, one poem, one article from a journal, or an image or graph from any work. You should be able to explain how each chapter or article relates to course outcomes or objectives.

Please note that it is generally OK to use *non-creative* (non-artworks) copyrighted graphics in presentations (if fair use conditions are met). Images should include attributions (URL or citation of original source below the image). In addition, images/graphic should not be altered, although you can use the data from the graphic and create a new image. Again, be sure to include attribution.

- **Provide access only to attendees in a class and consider the size of the class.**

Limit course materials available to enrolled attendees. *Do not post course materials on open websites unless you are the copyright holder of the material, or you have written permission.* The size of the class is also a factor. MOOCs (massive open online courses) with very large numbers of attendees generally require permissions or a license.

- **Provide access only for the term of the session.**

Disable/take down the material at the end of the class or session. Repeated, extended use of the same works from session to session may alter the fair use assessment and require reconsideration as an activity justified under fair use. Consider frequency and extent of use. Use of the same material in multiple courses or for long-term use requires a more careful assessment and may require permission.

- **Discourage further distribution.**

Please discourage attendees from further distribution of course materials beyond the class. This may be accomplished by informing attendees about copyright law and adding this notice on the session syllabus and on copies of the course materials: "This material is subject to the copyright law of the United States (Title 17 U.S. Code) and is for the use of attendees in [Class] only. Further reproduction or distribution is prohibited."

- **Avoid using copyrighted material in a way that substitutes for textbooks or "consumable" workbooks, or for works marketed for online education.**

When use of copyrighted works directly conflicts with an educational market, the use is not considered fair. Please avoid using copyrighted material to substitute consumable workbooks such as tests, sample questions, workbook sheets, etc.

- **Assess the availability through purchase or licensing (use the library resources).**

When copyrighted materials are still in print and being marketed, and/or when a licensing mechanism is available for use of the copyrighted work, the fair use argument is weakened because the use conflicts with a market for the work. Consider whether the work is available for purchase, and whether the work is available through a license. The date of publication and the publisher may also be considered. Recent works typically raise more questions than older works.

- **Always provide attribution.**

When reproducing materials for presentation or for course materials, provide a full citation on the copy of the original source on the copy.

- **When in doubt, get permission.**

If you need to copy a substantial amount of a copyrighted work, or if your use is in any other way impermissible.

## Getting Help (UW-Madison staff)



**Ebling Library**  
UNIVERSITY OF WISCONSIN  
SCHOOL OF MEDICINE AND PUBLIC HEALTH

[Christopher Hooper-Lane](#)

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**LIBRARIES**

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**Office of Legal Affairs**  
University of Wisconsin – Madison

[UW Office of Legal Affairs](#)

608-263-7400

## Resources

- UW Libraries Copyright Resources
  - <https://www.library.wisc.edu/research-support/scholarly-communication/copyright-resources/>
- UW Legal Affairs Copyright Law
  - <https://legal.wisc.edu/copyright-law/>
- Reproduction of Copyrighted Works by Educators and Librarians (Circular 21)
  - <http://www.copyright.gov/circs/circ21.pdf>
- Cornell Copyright Guide
  - <https://guides.library.cornell.edu/copyright>
  - Fair Use Checklist: [https://guides.library.cornell.edu/ld.php?content\\_id=63936868](https://guides.library.cornell.edu/ld.php?content_id=63936868)