

FAIR USE OF COPYRIGHTED MATERIAL

Fair use is a US legal doctrine that permits **limited use** of **copyrighted material** without acquiring permission from the rights holders. ... Examples of **fair use** in United States **copyright law** include commentary, search engines, criticism, parody, news reporting, research, and scholarship. Please see the following Link for a more complete description of the topic. A small portion of it is reproduced below.

https://en.wikipedia.org/wiki/Fair_use

17 U.S.C. § 107

Notwithstanding the provisions of sections 17 U.S.C. § 106 and 17 U.S.C. § 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The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

The **University of Denver policy** on the Fair Use of copyrighted material can be found on their website. Of particular interest for OLLI is the use of material on Portfolio or Canvas (a course software package similar to Portfolio). This policy can be found at:

<http://otl.du.edu/wp-content/uploads/2016/04/Fair-Use.pdf>

The document is written for Canvas, but all aspects of the policy pertain to Portfolio as well.

- In general, copyrighted material should not be provided as a complete document within a Portfolio page. Instead, whenever possible one should use a web link to a legal external site where the material can be found. This is particularly true if your portfolio page can be accessed by others not in your class.
- Limit your fair use of copied materials to a single article in a given magazine issue or to a single chapter in a book. More than this and you begin to move from “fair use” to impacting the author’s protected rights to his intellectual property.