

# Fair Use Guidelines for Copyrighted Material

## What is Fair Use?

"Fair use" is a provision of the Copyright Act that provides that certain uses of copyrighted works do not constitute copyright infringement. **The Copyright Act establishes a four factor test, the "fair use test," to determine whether a use of a copyrighted work is fair use that does not require the permission of the copyright owner.** The University of Chicago Copyright Information Center provides additional background information about [fair use](#) to help you.

**FOUR FAIR USE FACTORS**

- 1 the purpose and character of the use
- 2 the nature of the copyrighted work
- 3 the portion used in relation to the copyrighted work as a whole
- 4 the effect of the use upon the potential market

The most important factor is the purpose: is the use transformative? Courts are much more likely to uphold a use as fair use if it transformative, meaning that it adds something new, with a different character, expression, meaning or message, or function.

## The following uses of copyrighted works do not constitute copyright infringement:

### 1. **Purpose** of the Use

- Materials should be used in class only for the purpose of serving the needs of specified educational programs.
- Students should not be charged a fee specifically or directly for the materials.

### 2. **Nature** of the Work

- Only those portions of the work relevant to the educational objectives of the course should be used in the classroom.

### 3. **Amount** of the Work

- Materials used in the classroom will generally be limited to brief works or brief excerpts from longer works.
  - i. Examples: a single chapter from a book, an individual article from a journal, and individual news articles.
- The amount of the work used should be related directly to the educational objectives of the course.

### 4. **Effect** of the Use on the Market for the Original

- Materials used in the class should include a citation to the original source of publication and a form of a copyright notice.
- Instructor should consider whether materials are reasonably available and affordable for students to purchase - whether as a book, course pack, or other format.

## Linking to Licensed Resources

**The best way to make an article available to your students in Canvas is either to set it up as an electronic course reserve (via the Library) using the Library Reserves tool in Canvas or to link directly to the article using a publicly available licensed resource.**

## Using Library Reserves

There are two use cases for accessing copyrighted material via UChicago Library Reserves:

1. To post materials from the UChicago Library collection so students can access them.
2. To request that UChicago Librarians purchase materials, if possible, for reserves.

If you do not currently have copies of specific readings that you would like to incorporate into your teaching, you can provide UChicago Library staff with the name, title, and links (if necessary). They will access needed copies and resources to create course materials for participants (up to 20% of the total work).

## Restricting File Access and Downloads within Canvas

**When the student availability date restriction is set, students cannot view or access a file in Canvas outside of the restriction dates.**

Students will be able to see the name of the file, but if they click the file, they will see a message stating that the file has been locked and cannot be viewed until the specified date. Follow these steps to restrict access to files and Panopto videos in Canvas:

### Files:

1. In Course Navigation, click the **Files** link.
2. Click the line item for the file.
3. Click the **Options** icon and the **Manage Usage Rights** link.
4. By default, the file is unpublished. Click the radio button next to Schedule student availability. To set student availability dates, enter the starting date for the file to be available in the **Available From** field. If applicable, enter the date when students can no longer allow students to view the file in the **Available Until** field. You can use the calendar to enter a date, or you can enter a date manually. You can change the access at any time.
5. Click the Update button.

### Panopto:

1. In Course Navigation, click the **Panopto Video** link.
2. Select the folder containing the file you want to restrict.
3. Click the **Setting** icon for the file.
4. Under Overview, click the Downloads dropbox and select No One.
5. Scroll down to Availability.
6. By default, the file is published. Click the radio button to schedule session availability. To set availability dates, enter the starting date for the file to be available in the **Starting** field. Next, enter the date when students can no longer allow students to view the file in the **Until** field. You can use the calendar to enter a date, or you can enter a date manually. You can change the access at any time. These settings replace any availability settings on the parent folder.

## Restricting File Access and Downloads Outside of Canvas

One way to manage download restrictions for files, including videos, is to post the links to the file in Google Drive and enable advanced file-sharing restrictions using the steps below:

1. Select one or more files you want to limit
2. Click the Share icon
3. On the bottom right, click advanced
4. Check the box next to “Disable options to download, print, and copy for commenters and viewers”
5. Click Save changes.
6. Click Done.

Note: You can limit how people share, print, download, and copy within Google Drive, Docs, Sheets, and Slides, but you can't stop how others share the file content in other ways i.e. recording what is on their screen. **If you want to prevent students from downloading or saving files locally on their devices, post files as links rather than uploading them directly to Canvas, especially videos!**

### Student NDAs

UCPE can request that students or participants in your course sign a non-disclosure agreement prohibiting them from keeping or sharing proprietary materials.