



Learning
Technology
Center



Copyright & Fair Use for Educators



Intro

US copyright law protects creative works from being copied, modified, or distributed without its creator's permission for a limited period of time. Those found infringing on a creator's copyright, including teachers, can face penalties while also placing their educational institutions in legal peril.

Therefore, teachers should take time to inform themselves on key parts of US copyright law that apply to their professional work. Doing so can help them remain within the letter of the law while modeling legally-compliant practices for their students.





COMMON DEFINITIONS



Copyright

A legal protection that prevents unauthorized distribution or modification of a work for a limited period of time (typically the life of the creator plus 70 years). Copyright protects literary, dramatic, musical, and artistic works¹, but not facts or ideas. Works created by the U.S. federal government are generally not protected by copyright. It also gives creators control over how their work is used or shared.



Educational Use Exception

U.S. copyright law includes limited exceptions² for certain classroom teaching activities. These allow educators to use copyrighted works in specific instructional settings, but do not create a general right to copy or distribute materials simply because the use is educational.



Fair Use

A legal doctrine that allows limited use of copyrighted works without prior permission. Fair use is judged on a case by case basis, based on these four factors³:

- Purpose and character of the use
- Amount/significance of portion used
- Nature of the copyrighted use
- Effect on the value of the work



Public Domain

Any work owned by the general public, including works not protected by copyright, trademark, or patent laws. These works can be freely used, shared, or distributed by anyone without needing permission or giving attribution.

1. Examples include novels, poems, articles, essays, speeches, sound recordings, movies, paintings, photos, and maps.

2. [Section 110, Chapter 17, Copyright Law of the United States](#)

3. [Section 107, Chapter 17, Copyright Law of the United States](#)



BEST PRACTICES

Educators can minimize their exposure to copyright-related liability by following these best practices when utilizing a copyrighted work, both in print and online.

Sharing with **Students**



Establish a clear pedagogical connection

While lesson-planning, clearly state in writing why your use of the copyrighted work furthers a stated educational goal.

Limit access in all formats

When sharing physical media, only make enough for each student to have one copy. When sharing online, ensure that uploaded media can only be accessed by those in your domain.

Tailor your selection

Avoid sharing more of a work than is needed to meet your instructional goal. Never share an entire copyrighted work in any format.

Include an attribution list

When pertinent, include notation stating who created a copyrighted work. Citations should reflect the style your students are expected to use.

Sharing with **Colleagues**



Do not copy consumable works

If a work is made to be completed by an individual (such as a workbook), it cannot be legally copied for educational purposes. New copies must be purchased instead.

Do not pay for or sell copyrighted materials

Many online education resource marketplaces explicitly prohibit profiting from copyrighted materials.

Do not claim others' work as your own

When utilizing a colleague's resources, such as a lesson plan, make note of it in your records. If you use another educator's resources, always follow licensing requirements for its distribution or modification.

Sharing Online



Know how materials are being shared

Many LMS platforms utilize a “closed garden” model that is only accessible to in-network users. Materials shared on a publicly accessible website can be indexed by search engines.

Utilize password protection

Placing copyrighted content behind a password-protected barrier can effectively limit access to only those participating in your online class.

Familiarize yourself with the TEACH Act (2002)

This federal statute provides special provisions for digitizing, storing, and transmitting copyrighted content online for educational purposes. In particular, this law provides guidelines for sharing certain copyrighted materials in online and distance learning environments, when access is appropriately limited.

Disclaimer: This resource provides general information about U.S. copyright law and should not be considered legal advice. Because copyright decisions depend on specific circumstances, educators and institutions should consult legal counsel when needed.



COPYRIGHT & FAIR USE FOR EDUCATORS

ltcillinois.org

