

Copyright Policy

The Copyright Act gives an author the exclusive rights to his work, preventing others from selling, distributing, copying or performing it without his permission. Textbooks are also subject to copyright; however, there are certain aspects of the Copyright Act that pertain to the typical use of textbooks.

Fair Use

Copying a protected work without permission of the author is an infringement of copyright except when it is deemed "fair use" under Section 107 of the U.S. Copyright Law. Fair use explicitly allows use of copyrighted materials for educational purposes such as criticism, comment, news reporting, teaching, scholarship, and research. Rather than listing exact limits of fair use, copyright law provides four standards for determination of the fair use exemption:

Purpose of use:

Copying and using selected parts of copyrighted works for specific educational purposes qualifies as fair use, especially if the copies are made spontaneously, are used temporarily, and are not part of an anthology.

Nature of the work:

For copying paragraphs from a copyrighted source, fair use easily applies. For copying a chapter, fair use may be questionable.

Proportion/extent of the material used:

Duplicating excerpts that are short in relation to the entire copyrighted work or segments that do not reflect the "essence" of the work is usually considered fair use.

The effect on marketability:

If there will be no reduction in sales because of copying or distribution, the fair use exemption is likely to apply. This is the most important of the four tests for fair use.

1. Single copy for teacher for research, teaching, or class preparation.
2. Multiple copies (one per student per class) okay if material is (a) adequately brief, (b) spontaneously copied, (c)
3. in compliance with cumulative effect test.
4. Copyright notice and attribution required.

The following indicates illegal use of copyrighted material:

1. Multiple copies used again and again without permission.
2. Multiple copies to create anthology.
3. Multiple copies to avoid purchase of textbook or consumable materials.

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