

# Copyright and Fair Use

## Materials for Teaching and Learning

Resources to help teach ethical digital citizenship concepts of copyright and creativity to students:



copyrightandcreativity.org

### FREE SPEECH

### COPYRIGHT AND FAIR USE

**free speech**  
The First Amendment guarantees important freedoms, including the freedom of speech.

**copyright**  
Copyright is a permission given to someone for a limited time to get their creative expression for their work. It is necessary for authors and creators to demand time and money to producing new works. In this way, copyright encourages originality and creativity.

**fair use**  
Fair use is an important part of copyright that allows limited use of copyrighted work without permission for purposes such as commentary, criticism, parody, teaching, and news that are "transformative." Fair use promotes creativity and innovation.

#### MAY I USE THIS?

Is it old enough to be in the public domain?  
Published over 70 years ago? **STOP** **NO** **Show it!**

Did the creator choose a Creative Commons license to allow sharing without permission?  
**STOP** **NO** **Show it!**

Weight these options together to decide if you have a legitimate fair use claim.

**Purpose & Character of Your Use**  
Is your use made for educational purposes? Is it a transformative expression to the original? Is it a parody or criticism to use the original for a new purpose. Use for teaching?

**Amount & Substance**  
Did you use what was necessary? Did you take the "heart" of the story?

**Nature of the Original**  
Is the original work from a creator of a high level of info?

**Effect on the Market**  
Could your use affect the market by substituting for the original in the marketplace?

Do you need permission from the creator? **STOP** **NO** **Show it!** **YES** **Show it!**

Does your use benefit when we understand the rules and treat each other with respect.

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### 10 THINGS YOU SHOULD KNOW ABOUT COPYRIGHT

1. Not all of both elements are needed to create work. The elements are useful to create, but not all are needed. Some are not needed, such as time, money, and talent. Some are not needed, such as time, money, and talent.
2. Copyright protects creative work, so people can't generally copy or share or perform other people's work without permission.
3. Copyright comes from the Constitution. It provides a way for creators to get paid for their work, but it also provides a way for others to use their work without permission.
4. Copyright is a permission to create work, so people can't generally copy or share or perform other people's work without permission.
5. Copyright is a permission to create work, so people can't generally copy or share or perform other people's work without permission.
6. Copyright gives a lot of protection, but it also has limitations. Not everything gets copyright protection. Fair use and other exceptions are important.
7. Another limitation of copyright is "fair use," which allows for limited copying without the creator's permission. Fair use is a key part of copyright law.
8. When you use someone's work, you should always give credit. This is a key part of copyright law.
9. Copyright protection doesn't last forever. It expires, and the creator's work enters the public domain. This is a key part of copyright law.
10. Some creators are happy to share their work. This is a key part of copyright law.

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