

No - It's Not Fair Use

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Copyright is a Balance Between Competing Interests

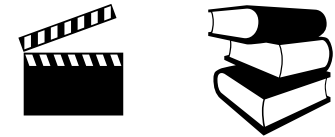
- Monopoly
- Free Expression of Ideas

17 USC §106 Exclusive rights

1 To reproduce the work



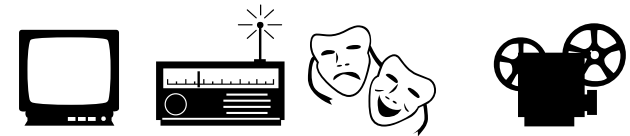
2 To prepare derivative works



3 To distribute & sell copies



4 To perform publicly



5 To display publicly



6 Digital Audio Transmission



(For © only)

Fair Use Defense

1. Purpose of Use
2. Nature of Original Work
3. Amount Taken
4. Effect on Value

Remember...

**Fair Use is not a right.
It's an excuse.**

Fair Use Defense

1. Purpose of Use
2. Nature of Original Work
3. Amount Taken
4. Effect on Value

Purpose of Use

- Profit or Non-Profit
- Education
- News
- Comment or Criticism
- Transformative

Nature of Original Work

- Published or Unpublished
- Fiction or Non-Fiction

Amount Taken From Original

- Essential Part
- Substantial Portion

Effect on Value

- Lost Revenue
- Substitute
- Parody

17 USC §110 TEACH Act

Clarifies Fair Use for education
and other specific situations.

General Issues

Source must be a lawfully made copy.

Can't circumvent DRM to make the copy.

Face to Face Teaching

- Performance or display of a work
- By teacher or pupils
- Nonprofit educational institution
- In a classroom

Transmission

- Anything you do in the classroom, you may do via digital transmission if...

If...

- By Instructor or at their direction
- Integral part of class
- Part of regular course

And...

- The performance or display is directly related to the topic.

And...

- Limited to enrolled students.

And...

- The school educates faculty, students, and staff about copyright.
- The material displays a notice of copyright.

And...

- The school implements technological measures that...
- Prevent retention beyond the class session.
- Prevent further dissemination of the work.