

# COPYRIGHT AND FAIR USE FOR EDUCATORS

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 can be applied to literary, dramatic, musical, and artistic works<sup>1</sup>, but not facts, ideas, or government documents.



### Educational Use Exception

In the US, copyrighted works may be distributed if doing so is for an explicitly educational use<sup>2</sup>. This allows educators to use utilize copyrighted works on a limited basis. This exception only applies to non-profit institutions (including public schools).



### Fair Use

A special provision that permits protected works to be distributed without seeking prior authorization. Fair use is judged on a case by case basis, based on these four factors<sup>3</sup>:

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



### Public Domain

Any work "owned" by the general public, including works not covered by a copyright, trademark, or patent. These works can be distributed freely without 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.
- **Tailor your selection**  
Only use or share as much of a copyrighted work as needed to achieve your stated educational goals. 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 style used by your students.
- **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.

## Sharing with COLLEAGUES

- **Do not copy consumable works**  
If a work is made to be completed by an individual (such as 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 other's 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 publically 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 allows educators to distribute music and movies digitally, so long as access to them is reasonably limited.

**Disclaimer:** All information included in this resource is based upon publicly-available interpretations of current US copyright law. Examples and interpretations presented herein should not be taken as definitive or be construed as legal advice.

**LEARN MORE**  
<https://4ltc.org/copyright>

