



Copyright and Teaching/Research

Copyright law supports the process of scholarship and discovery while at the same time protecting the rights of authors and inventors. It is this dual purpose that is of particular relevance to those in academia as they pursue scholarship, discovery, and scholarly communication within the context of author's rights.

Copyrighted material can be used in teaching and research under one of the following conditions:

1. The work in question is in the public domain.
2. Permission has been granted by the copyright owner or through some other means such as a negotiated license agreement (such as those negotiated with publishers by the University Libraries or the Copyright Clearance Center.)
3. The use falls within the four "fair use" guidelines as defined in Section 107 of the U.S. Copyright Act, 17 U.S.C or falls under an educational use exemption as defined in Section 100 and as amended by the TEACH Act.

Public Domain

The copyright monopoly does not last forever. Eventually the copyright passes into the "public domain" and anyone who chooses to do so can make and sell or distribute copies.

The United States copyright law which took effect on January 1, 1978, established a single system of statutory protection for all copyrightable works, whether published or unpublished. For works created after January 1, 1978, the law provided a term lasting for the author's life, plus an additional 50 years after the author's death. This was extended to 70 years by the Sonny Bono Term Extension Act, PL 105-298, passed in 1998.

For unpublished works that were already in existence on January 1, 1978, the acts generally provided automatic federal copyright protection for the same terms provided for new works. All works in this category were guaranteed at least 45 years of statutory protection, which expired December 31, 2002 for many works that remained unpublished. However, if the work was published between 1978 and 2003, the term was extended by another 45 years, through the end of 2047.

This rather complex set of requirements assures that materials that were published in 1922 or earlier are now in the public domain.

- When U.S. Works pass into the Public Domain - <http://www.unc.edu/~uncclng/public-d.htm>
- Copyright Term and the Public Domain in the U.S. - http://www.copyright.cornell.edu/public_domain/



TEACH Act

The Teaching, Education and Copyright Harmonization (TEACH) Act of 2002 is in section 110 of the U.S. Copyright law (<http://www.copyright.gov/title17/92chap1.html#110>). The TEACH Act amends copyright law to account for digital means of displaying and transmitting copyrighted works in teaching. The TEACH Act has requirements of the institution before instructors can take advantage of its provisions.

- The TEACH Toolkit - <http://www.lib.ncsu.edu/scc/legislative/teachkit/>
- The TEACH Act finally becomes law - <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>

Fair Use

Section 107 of the U.S. Copyright law (<http://www.copyright.gov/title17/92chap1.html#107>) provides for the use of copyrighted materials under certain circumstances defined as “fair use.” The law lists four “factors” to use to help determine if a particular use can be considered fair use under the law.

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
 2. the nature of the copyrighted work;
 3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 4. the effect of the use upon the potential market for or value of the copyrighted work.
- Checklist for Fair Use - <http://www.copyright.iupui.edu/checklist.pdf>
 - Crash Course in Copyright - <http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm#top>
 - University of Minnesota’s Copyright Information and Education - <http://www.lib.umn.edu/copyright/index.phtml>

Getting Permission

If you have determined that your use of the material cannot be considered “fair use” the Copyright Clearance Center (<http://www.copyright.com/>) provides a way to obtain permission for use of copyrighted material.

If you wish to create a coursepack for your students to purchase, the University Printing Department (<http://www.uiowa.edu/~printsvc/docsvcs/upacs/copyright.html>) will handle getting permissions for use of copyrighted material.

- Is it protected by copyright? - <http://librarycopyright.net/digitalslider/>



Guidelines for Multiple Copying for Classroom Use

The stated purpose of the classroom guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of the U.S. Copyright law. Multiple copies (not to exceed more than one copy per student in a course) may be made by or for the instructor for classroom use or discussion if the following guidelines are followed.

1. The copying meets the tests of brevity and spontaneity.
 2. It meets the cumulative effect test.
 3. Each copy includes a notice of copyright.
 4. Copying isn't used to create, replace or substitute for anthologies, compilations or collective works.
- Reproduction of Copyrighted Works by Educators and Librarians - <http://www.copyright.gov/circs/circ21.pdf>.

Options for making material available

1. Library Course Reserves – both print and electronic materials, including links to full-text articles in databases the Libraries subscribe to. Links and PDFs are posted in the course ICON site.
2. ICON – instructors can post materials to the class ICON site. ITS instructional services can provide training. ICON support information is available at <https://icon.uiowa.edu/support/contact/>.
3. Coursepacks – University Printing Department and local copy shops can seek copyright permissions and produce coursepacks for purchase. <http://www.uiowa.edu/~printsvc/docsvcs/upacs/copyright.html>
4. Instructors can make multiple copies for their class under the Guidelines on Multiple Copying for Classroom Use.

Contact Information

- Edward Shreeves, Associate University Librarian/Director, Collections & Scholarly Communications – edward-shreeves@uiowa.edu
- Karen Fischer, Collection Analysis and Planning Librarian – karen-fischer@uiowa.edu
- Ellen Jones, Reserve Supervisor – e-jones@uiowa.edu
- Distance Education – lib-disted@uiowa.edu
- The University of Iowa Office of the General Counsel - <http://www.uiowa.edu/~gencouns/>
- The University of Iowa Libraries Special Collections - <http://www.lib.uiowa.edu/spec-coll/help/copyright.html>

This information is not the official policy of the University of Iowa nor does it constitute legal advice. It is important that educators exercise both the responsibilities and the rights accorded them under the laws of the United States. The information offered here is part of an ongoing campus effort to provide the University of Iowa community with a better knowledge of copyright law and how to work within it to further the best educational practice. Contact Gay Pelzer at the University Office of the General Counsel (335-3696) with questions.

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