



# Copyright & Fair Use

College of the Sequoias

Digital. Traditional. Exceptional.

# Agenda

- Introduction
- Why is copyright important?
- Common copyright myths
- Fair use
- Online materials
- Additional copyright guidelines

# Introduction – Why are we here?

- Partner of campus bookstore
- Heightened awareness of infringement on COS campus
- XanEdu offers copyright protection for any faculty selected content – articles, cases, book chapters, etc.
- Partner with bookstores and institutions in CA and across the country to ensure proper clearance

# Why is copyright important?

- Everyone is liable, including the bookstore, print shop, university and faculty
- Publishers are becoming increasingly aggressive at identifying misuse of copyrighted items

# Common Copyright Myths

- **Myth:** If a book is out of print, you don't need permission to reproduce its content
  - **Fact:** Out-of-print books are covered by copyright. Copyright does not end when a book is out of print
- **Myth:** Professors don't need to get permission to reuse articles that they use in class year after year
  - **Fact:** Articles used in class year after year become part of course work and require permission each time they are used for a new class
- **Myth:** Copyrighted material compiled into a course packet and sold in the bookstore does not require permission from the copyright owner. It is "fair use"
  - **Fact:** Copyrighted material compiled into a course packet (whether in photocopy or electronic format) almost always requires the permission of the copyright owner. Just because it's educational doesn't mean it's fair use

# What is Fair Use?

- “Fair use” exceptions make room for individual professor’s ability to supply **brief, spontaneous** content for classroom educational use -- very important here to explain both the brevity and spontaneity aspects of fair use. The idea here is that professors use forethought and planning when selecting course materials, and so they need to go through proper copyright clearance channels.
- Despite popular perceptions within academia, course packs almost never meet these criteria
- Any course pack – with © material - distributed through a bookstore almost certainly will fail to meet fair use standards
- To protect your bookstore, the university and its students from copyright violations, you need a proven process in place to protect rights holders and ensure royalty payment
- **Copying of textbooks is a direct copyright infringement.**
- XanEdu protects you, the bookstore and the University.

# What about Online Materials?

- There is often misunderstandings around whether copyrighted content can be posted online (i.e. placing PDFs within a course management system such as Blackboard).
- Fair Use applies equally to the online realm
- Content must still be “spontaneous” to be fair use
- Copyright clearance must be obtained for all content distributed online

# Additional Copyright Guidelines

- Copyright clearance takes an average of 2-4 weeks
- 10-20% of an in print book can be used for custom textbooks through XanEdu
- Entire out of print books can be used
- Publisher royalties vary, we provide royalty breakdowns for faculty to manage
- Content must be cleared each semester





# Thank You!

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