

Fair Use Analysis – Guidelines

Instructors are responsible for evaluating, on a case-by-case basis, whether the use of a copyrighted work on e-reserve qualifies as fair use. Instructors are advised to utilize the Kresge Library Fair Use Copyright Tools (<http://research.library.oakland.edu/sp/subjects/guide.php?subject=CopyrightResources>) before submitting material for e-reserve. Fair use of a copyrighted work depends upon making a reasoned and balanced application of all four fair-use factors set forth in Section 107 of the U.S. Copyright Act. These factors are:

- Purpose and character of the use (e.g., non-commercial, non-profit use for OU's teaching and scholarship);
- Nature of the copyrighted work (e.g., non-fiction and creative works that serve the interests of OU's teaching and scholarship);
- Amount of the work used (e.g., only a limited excerpt of any work, not the "heart of the work");
- Effect on the value of or market for the work (e.g., there is no digital excerpt readily available at a reasonable price; access is limited to a particular course's participants; and access is terminated at the end of a relevant semester).

If the material is determined to be ineligible for course reserves, the instructor may pursue other alternatives, such as obtaining copyright permission from the copyright owner or using a third-party service, such as the Copyright Clearance Center (www.copyright.com/), to procure copyright compliance. Please see the Library's Course Reserves page for more details.

Disclaimer: These guidelines are presented for general information only, and must not be relied on as a substitute for obtaining legal advice from a licensed attorney.