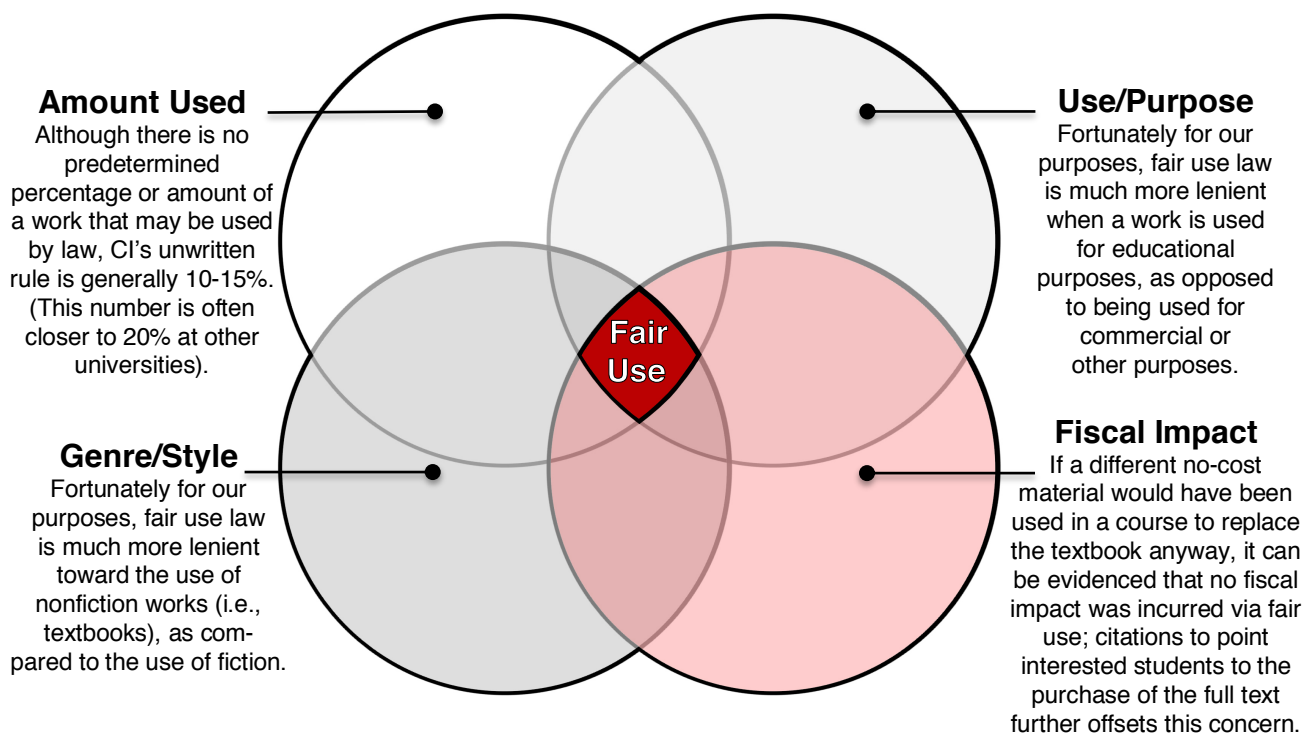# openCI

Fair Use
Guidelines

"Fair use is a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances. Section 107 of the Copyright Act provides the statutory framework for determining whether something is a fair use and identifies certain types of uses—such as criticism, comment, news reporting, *teaching*, scholarship, and research—as examples of activities that may qualify as fair use. Section 107 calls for consideration of the following four factors in evaluating a question of fair use…"[1]

Amount Used
Although there is no predetermined percentage or amount of a work that may be used by law, CI's unwritten rule is generally 10-15%. (This number is often closer to 20% at other universities).

Use/Purpose
Fortunately for our purposes, fair use law is much more lenient when a work is used for educational purposes, as opposed to being used for commercial or other purposes.

Genre/Style
Fortunately for our purposes, fair use law is much more lenient toward the use of nonfiction works (i.e., textbooks), as compared to the use of fiction.

Fiscal Impact
If a different no-cost material would have been used in a course to replace the textbook anyway, it can be evidenced that no fiscal impact was incurred via fair use; citations to point interested students to the purchase of the full text further offsets this concern.

Fair Use

"In addition to the above, other factors may also be considered by a court in weighing a fair use question, depending upon the circumstances. Courts evaluate fair use claims on a *case-by-case basis*, and the outcome of any given case depends on a fact-specific inquiry. **This means that there is no formula to ensure that a predetermined percentage or amount of a work—or specific number of words, lines, pages, copies—may be used without permission**."[1]

For more information, please contact a CI librarian or your openCI Campus Coordinators: Jaime Hannans (jaime.hannans@csuci.edu) and J. Jacob Jenkins (jacob.jenkins@csuci.edu).

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[1] United States Copyright Office. (2017). *Information on fair use.* Retrieved from http://www.copyright.gov/fair-use/more-info.html (emphasis added).