Public Domain

Works considered in the public domain are, generally, works that are either ineligible for copyright protection or works whose copyright protection has expired. Works in the public domain can be copied or used without any permission needed. With all the rules on what is and isn't considered public domain, you may want to check copyright guides like the ones found at:

https://www.copyright.gov.

Hours:
Monday – Friday
8am – 5pm*

*24-hours with Atrium Health badge access.

Phone:
704.355.3129

Physical Address
Medical Education Building
1000 Blythe Blvd
Charlotte, NC 28203-5812

Mailing Address
Charlotte AHEC Library
Medical Education Building
PO Box 32861
Charlotte, NC 28232-2861
Fair Use

The fair use doctrine is a kind of workaround to copyright law. It is the right granted to an author to make limited use of another work without asking permission. The doctrine of fair use has been codified in copyright law after being developed through many court decisions over the years.

TEACH Act

The TEACH Act (Technology, Education and Copyright Harmonization Act) clarifies what uses are permissible with regard to distance education.

DMCA

The DMCA covers some essential ideas that do have an effect in the classroom. The DMCA includes rules against bypassing access controls, such as the digital rights management (DRM) of an ebook. It also does not allow you to distribute digital copies of music, movies, software, etc.

Use these checklists to help you decide whether or not the intended material falls under fair use. These lists are tools for your convenience, and they are not exhaustive. Fair use is just a guide, not a strict set of rules.

Factors in Favor of Use

- Research/scholarship/educational
- Criticism/review
- Transformative or productive use
- Parody
- News or news reporting
- Restricted access/password protection (Note: not the only factor!)
- Nonprofit (use or institution)
- Factual/non-fiction
- Government document
- Small amount/less than 10% of work
- The portion used isn’t central to the work, or can be seen as the core (“heart”) of the work
- User owns lawfully purchased/acquired copy of original work.*
- Few copies are made or distributed
- No significant effect on the current or potential market for copyrighted work
- Few copies are made
- Out of print
- One-time use

* Note that just because a person wrote an article or a book, does not necessarily mean they own that work. Check with your publisher!

Factors Not in Favor of Use

- Commercial
- Entertainment
- Non-transformative, verbatim, or exact copy
- For profit
- Not giving proper attribution to creator
- Factors that would suggest one is acting in bad faith or has knowledge of wrongdoing
- Creative (music, fiction, film, poetry, etc.)
- Consumable (tests, workbooks, etc.)
- Large portion or entire work
- The portion used is central to the work, or can be seen as the core (“heart”) of the work
- The portion used contains more than is necessary for educational purpose
- Cumulative effect of copying would be to replace purchase of copyrighted work
- Many copies made and/or distributed
- Reasonable and affordable permission available
- Will be making work publicly and broadly available (e.g. web, broadcast, podcast, etc.)
- Repeated use
- Long-term use