



DIGITAL RULES RESOURCE CENTER

4. Myths and Misunderstandings – The Doctrine of Fair Use

This page outlines a few myths about fair use and copyright law that are often disseminated and may affect your utilization of fair use law in a Meridian Stories challenge.

1. If I use less than a certain amount of copyrighted video or sound (e.g., 30 seconds) or less than a certain amount of copyrighted text (e.g., 10 lines), I am automatically protected under fair use.

Reality: Since fair use cases are examined on a case by case basis, there is no magic bullet in regards to the amount of work that you borrow that will protect you under fair use - you may claim fair use after using any amount of copyrighted work. However, the courts will generally be more likely to rule in favor of your use being fair if you use only a small portion of a work.

2. If I give credit to the copyright owner, I am automatically protected by fair use.

Reality: While giving credit is ethically required (i.e., your teachers and peers will require you to give credit) to prevent plagiarism, the citation itself does not give you permission to use the work or constitute fair use. In fact, there is no solid legal need to give credit to a copyright holder if your use of their material is covered under fair use. However, when asking a copyright holder for permission to use their material outside of the bounds of fair use, they may require you to give them credit in exchange for not filing suit against you.

3. Non-profit, entertainment, or educational uses of copyright material are automatically covered under fair use.

Reality: Although all three of these uses would weigh in the favor of fair use in court, they are not, on their own, enough to guarantee fair use.

4. If I add my own material to another's copyrighted work, my use is fair use.

Reality: unless your addition gives new meaning to the work as a whole, this use is very unlikely to be considered fair use.

One of the most important things to understand about fair use is that it is flexible and subjective. There is no fail-safe formula for using copyrighted work without permission from the owner as each disputed use is determined separately and on a case-by-case basis in a court of law. However, this subjectivity allows the law to be flexible and widens the array of material from which you can borrow for your own creative works for Meridian Stories. If you closely observe the four points laid out on the Essential Guide and Checklist for the Doctrine of Fair Use page, you should feel safe when using copyrighted material under fair use.