

NDSU Extension Service Copyright, Creative Commons and Fair Use Guidelines

1. Copyright

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To use material developed by someone else (either published or unpublished), the safest course of action is to get specific written permission from the owner. You must get written permission to use work beyond fair use guidelines (see below), and this permission must be granted by the organization that owns the material, which may not be the author.

2. Creative Commons

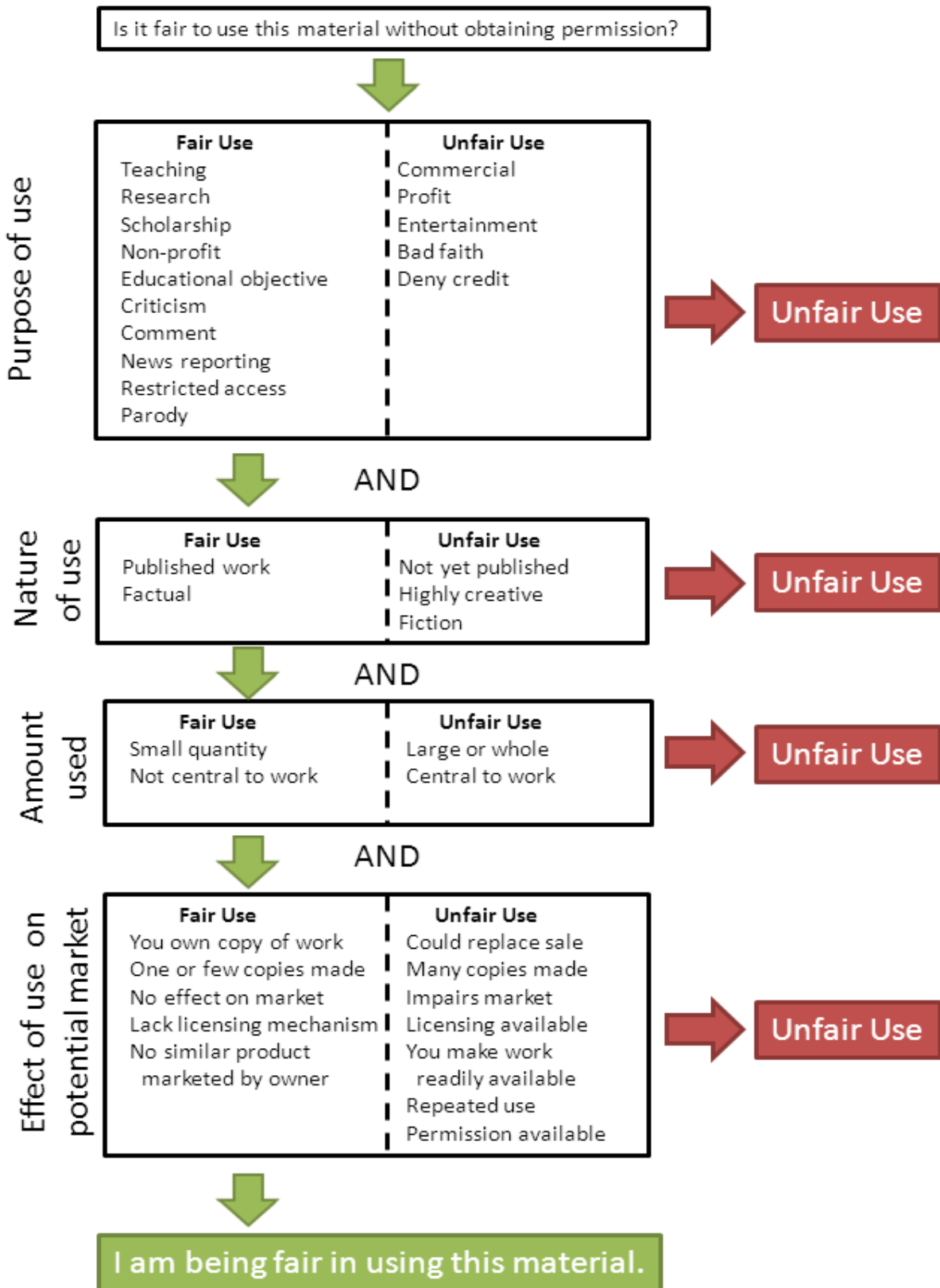
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3. Fair Use

Fair use is what you can use without asking permission. Fair use is determined on a case-by-case basis through the application of the following four factors. All four factors typically need to be met to be considered fair use. Again, always cite the source!

1. The purpose and character of the use is for nonprofit educational purposes; and
2. The nature of the copyrighted work is primarily non-fiction; and
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole is a small amount and does not constitute the “heart” of the work; and
4. The effect of the use does not diminish the market for or value of the copyrighted work.

4. Fair Use Decision Tree



Examples

Q: Can I use copyrighted materials in my PowerPoint (PPT) slides?

A: Photos, graphics and the like used in PPT presentations probably would fall under fair use guidelines since they're being used for an educational purpose, the information is non-fiction, a small amount of content is used and it doesn't reduce the market of the material. However, the copyrighted material should not be included in handouts or posted to the Web. For example, you may show a cartoon in your PPT to illustrate a point, but don't include it in handouts or online. If others want to use it similarly, they need to go to the original source. The general recommendation is to create a separate handout of important information rather than just using the handouts function in PPT.

Q: Can I copy pages of a book or website for my Extension program?

A: If a 100-page book is for sale and you want to photocopy and share 90 of those pages, no, since that would violate fair use factor #4 – reducing the book's market. If you give them most of the pages, they won't purchase the book. However, if you copy just a few pages that specifically pertain to your educational program, then all four factors of fair use would probably be met. Even if information is free on the Web, consider it copyrighted. Follow the copyright instruction on the page (if it's there). Be sure to give credit, including the URL.

Q: Can I use Extension-published information authored by someone else at NDSU?

A: Since NDSU owns the copyright on Extension materials published by faculty and staff as part of their jobs, other NDSU Extension faculty and staff can use that information without asking anyone for permission. However, to recognize original authors who are no longer with NDSU, the [Educational Materials Guidelines](#) state:

If the original author has left NDSU, that person's name will remain on the publication as author. However, a current staff person will review and revise the information, and that name will be added for a current contact. For example, a publication might say:

Laura DeHaan

Assistant Professor of Child Development, NDSU

Reviewed and revised by

Sean Brotherson

Family Science Specialist, NDSU Extension Service

Printed publications and Web pages should be reviewed by a current specialist in that subject matter specialty for content. If the faculty member says the information is up to date and relevant, the information still will be made available. Material should say the information was reviewed (and maybe also revised) by (the current faculty member's name) as above.

If you're citing information from a faculty or staff person still with NDSU Extension, professional courtesy says they should be named.

Q: Can I use information from other land-grant universities and government agencies without asking for permission?

A: Any unclassified information developed by the federal government is considered to be in the public domain and may be used without seeking permission. Again, credit the source. However, different universities and states have different policies. At some universities, the university holds the copyright, but at others, the author holds the copyright. Get permission from the entity that has the authority to give that permission. Even states and other governmental entities besides federal agencies are considered to be the copyright holders of the material they create. Check their policy for use.

Q: Can I use video clips or music in my PowerPoint?

A: If the clips are short enough so that they don't reduce the marketability of the entire product, then they could be used because they fall under fair use guidelines. For a similar reason, the user should own the movie, CD or music download to avoid market loss. Again, use it for your audience, but do not share copies or post it online. Even YouTube says, "If you use an audio track of a sound recording owned by a record label without that record label's permission, your video may be infringing the copyrights of others."

Q: How do I cite the source if I use it under fair use guidelines so I am not required to ask for permission?

A: Some materials will tell how the source wants to be credited. For example, the NDSU Extension Creative Commons license says, "Proper attribution of this work should include:

Title of the Work
North Dakota State University Extension Service
Names of the Author(s), if listed
URL of the work"

If no instructions for citation are provided, it depends on the use. It might be appropriate for you to say within the document something like, "According to research by Sam Jones at the University of Minnesota..." or you might want a more formal list of full references at the end.

Q: Are there any photos and graphics I can use without getting permission?

A: At <http://www.ag.ndsu.edu/agcomm/photos-illustrations>, Ag Communication lists some websites that offer photos that do not require permission to use. If you consider using photos from Flickr, use the advanced search (which you can only get to after completing a regular search) and select "Only search within Creative Commons-licensed content." Be sure to credit each photo.