

# Copyright Guidelines

Nonprofit organizations such as NACADA seek to increase awareness of information that advances the knowledge of event registrants. In doing this, members and others may want to use information in presentations that is often protected by copyright. Using such information without permission from the copyright owner can put the organization at risk for claims of copyright infringement. Presenters are requested to read and acknowledge the following information, and to direct any questions to [nacada-annualconf@ksu.edu](mailto:nacada-annualconf@ksu.edu).

**Fair use does not necessarily apply** to any “nonprofit” use. Examples of circumstances where small portions of a copyrighted work may be used include use for “criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research.” 17 U.S.C. § 107.

**Factors** that must be considered to determine whether the use made of a work in any particular case is a “fair use”:

- (1) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) The nature of the copyrighted work;
- (3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) The effect of the use upon the potential market for or value of the copyrighted work.

**Factors that have a better chance of qualifying as fair use:**

1. Nonprofit, educational uses;
2. The use of factual works;
3. Copying of small, insignificant portions of a copyrighted work;
4. Transformative uses:
  - a. Using a quote or passage from a copyrighted work in a criticism, analysis, parody, or other commentary on that work;
  - b. Using a quote or passage in one’s own research paper, thesis, presentation, etc.

**Factors that weigh against fair use:**

1. Commercial uses;
2. The use of fictional works;
3. Copying large amounts of a copyrighted work;
4. Copying the “heart” of a work;
5. Failing to give attribution and acknowledgment of the copyrighted source;
6. Uses that divert income from the copyright holder (such as copying that substitutes for the purchase of the work).