Using Copyrighted Content

Copyright Basics

Copyright protects original works of authorship that are fixed in a tangible medium of expression. Originality requires that works be independently created and possess at least a spark of creativity. To be fixed, a work must be capable of being perceived, reproduced, or communicated for more than a transitory duration.

In the United States, copyright occurs automatically, at the time of fixation. A work does not need to be registered in order to receive copyright protection.

Copyright gives the copyright owner the following exclusive rights in the work:
- The right to reproduce the work;
- The right to prepare a derivative work;
- The right to distribute copies of the work;
- The right to publicly perform the work;
- The right to publicly display the work; and
- The right to publicly perform a sound recording via digital audio transmission.

For more information on copyright basics, visit the Basics section of the University Libraries’ Copyright Service’s website.

OSU Policy on Copyright

The OSU Policy on Patents and Copyrights defines copyright ownership for students, staff, and faculty. Under the current policy, students, in general, retain ownership in their works of authorship and the University exercises ownership in Products of University Research. Faculty, in general, retain ownership in their scholarly and artistic works.

Fair Use & Other Statutory Exceptions

Copyright law limits the exclusive rights of owners through various statutory exceptions. These exceptions allow copyrighted works to be used in specific ways when certain requirements are met.

Under Section 110(1) of the Copyright Act, students and instructors may perform or display a work in the course of face-to-face teaching activities, in a classroom or similar place devoted to instruction. Performance or display of a work in online settings is governed by the TEACH Act, which has a number of additional requirements for protection.

One important check on the exclusive rights of copyright owners is the doctrine of fair use. Fair use is a defense under copyright law that allows the use of copyrighted materials without permission for certain purposes. Fair use is determined based on a balancing of four factors: the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used in relation to
the copyrighted work as a whole, and the effect the use has on the market for the copyrighted work. All factors are important in a fair use analysis.

You may use the OSU Health Sciences Library Fair Use Checklist App to think through your fair use analysis.

For more information on fair use, visit the Fair Use section of the Copyright Service’s website.

Using Public Domain and Openly Licensed Works

Works that are in the public domain are not protected by copyright and may be used freely.

You may also explore using open access, open educational resources, or other openly licensed works. In general, these open works permit the use and modification of a work, though specific terms will vary. Many openly licensed works use a license from Creative Commons. For more information on Creative Commons and additional resources for locating public domain and openly licensed materials, visit go.osu.edu/find-open-materials.

Requesting Permission to Use a Work

If your use of a copyrighted work does not fall under a statutory exception (including fair use) and the work is not otherwise available under open license terms that align with your intended use, you must seek permission from the copyright owner to use the work. This permission (license) may have restrictions on the number of times you use the work, the context in which you use the work, and may require a license fee.

The first step in requesting permission is identifying the copyright owner. Because copyright may be transferred over time, however, the original creator or author of a work may no longer be the current copyright owner. Find more information on the permission process and sample permission templates, visit go.osu.edu/permission.
Have questions?

For additional copyright assistance, contact Copyright Services. Additional resources are also available on the Copyright Services’s website, http://go.osu.edu/copyright.