

Copyright in your thesis or dissertation



Using copyrighted content

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Relying on fair use: Fair use is a defense that permits certain uses of copyrighted works without the permission of the copyright owner. A fair use of a work is not considered an infringement. go.osu.edu/fairuse

What is fair use?

Fair use is determined based on a balancing of four factors:

1. the **purpose** and character of the use, including whether the 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.

You must conduct a fair use analysis for each individual use of copyrighted content. Some criteria that may weaken an argument for fair use include:

- Using material for purely decorative or entertainment purposes. Ensure that you are using the material to support the scholarship in your manuscript.
- Using more material than you would actually need to accomplish your purpose.
- Creating a substitute for the original work. Your manuscript will be openly available online. Will this harm the market for the original work?

RESOURCES:

OSU Graduation Services:

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Kenneth D. Crews, *“Copyright and Your Dissertation or Thesis: Ownership, Fair Use, and Your Rights and Responsibilities”*



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