**JOURNAL 33 – REVIEW OF COPYRIGHT AND FAIR USE GUIDELINES**

**What Is Copyright?**

*Copyright* is the legal right of creative artists or publishers to control the use and reproduction of their original works. Copyright law prohibits the unauthorized duplication, adaptation, or distribution of a creative work.

For your audio story project, copyright laws will come into play when you add music created by others to your story. If you plan on broadcasting your audio story publicly, you need to get permission from and pay royalties to the copyright owner of any copyrighted music you use.

**What Is Fair Use?**

The "fair use" doctrine of U.S. copyright laws allows for some exceptions in which it is considered legally acceptable to use other authors' or artists' works or ideas.

Ultimately, whether a use is legally considered "fair" is up to the courts. By law, the courts consider the following factors when deciding whether a particular use is fair:

• **The intentions of the use of the new work.** This includes looking at whether the use will be for profit. If the use is for nonprofit or educationa I purposes, it is more Iikely to be seen as "fair use." However, nonprofit uses are by no means always considered fair use.

• **The character of the original copyrighted work.** Borrowing from a creative work, such as a fictiona I play or a musical composition, is less likely to be considered fair use than using or adapting a factual work.

• **How much of the original work is involved in the use.** Judges might not only look at the total amount of the original work used, but may also consider whether the portion used is particularly significant. The use will more likely be considered fair if it involves reproducing only smaller or non­essential portions of a work.

• **The degree to which the economic or commercial value of the original is harmed.** A court might consider whether the use causes significant economic harm to the original owner. If the use will have little impact on the market value of the original work, it is more Iikely to be considered fair use.

These guidelines, however, leave a lot of interpretation up to the judges. When in doubt, err on the conservative side and do not use copyrighted material in your projects.

**READ THE ARTICLE**

1. **In your own words, how should you be sure you’re not violating any copyright laws while producing your audio projects?**
2. **Describe in your own words situations that could come up in your audio projects where you could apply each of the four exceptions to the Fair Use doctrine.**
3. **When in doubt about copyright and fair use standards, what should you do?**