

## **Using Copyrighted Works in Your Scholarship? Here's What You Need to Know**

**Getting Permission:** Copyright is like an onion; there are layers. Please be aware that if you want to use a video clip, the videographer may own the video, the choreographer may own the choreography, and the music publishing company may own the music.

**Fair Use Doctrine:** If you cannot determine the copyright owner[s], cannot afford the fee, or were refused permission, consider using fair use. Fair use is the use of a copyrighted work without the copyright owner's permission. The copyright law provides examples of fair use as scholarship, teaching, criticism, and comment.

**How to Use Fair Use:** (1) You need to have, as the Supreme Court calls it, a "transformative use," meaning that you transformed the purpose of the work. For example, if the work was once used to entertain movie-goers and it is now used to teach high schoolers, you have transformed the purpose. (2) You need to add value to the copyrighted work. In the above example, the high school teacher must explain the movie's relevance to his curriculum. A scholar adds value by interweaving the copyrighted work into an argument or analysis. (3) Do not use more than you need. There is no "right" amount to use, but you must use what you need to achieve your purpose and no more.

**How to Convince Others of Your Fair Use:** Know your narrative. (1) For what purpose did you use the copyrighted work? (2) Why did you use the amount you used? (3) Why would your scholarship be harmed without the copyrighted work?

**Signing a Contract:** Contracts trump fair use. If you sign a contract with a publisher stating that you will get permissions for all copyrighted works, you cannot then claim fair use.

**Check out how dance archivists, librarians, and curators are using fair use:**

[http://www.danceheritage.org/DHC\\_fair\\_use\\_statement.pdf](http://www.danceheritage.org/DHC_fair_use_statement.pdf)

**Check out how documentary filmmakers are using fair use:**

[http://www.centerforsocialmedia.org/sites/default/files/fair\\_use\\_final.pdf](http://www.centerforsocialmedia.org/sites/default/files/fair_use_final.pdf)

**Check out how film scholars are using fair use:**

<http://c.ymcdn.com/sites/www.cmstudies.org/resource/resmgr/docs/scmsbestpractices4fairuseinp.pdf>