

## Video/Audio/Multimedia Fair Use Worksheet

This worksheet needs to be filled out and signed before any video/audio/multimedia work is scheduled with ITS productions department. If you have any questions regarding the meaning of or contents of any of the statements below, please contact Sheryl Lauth or Laura Million at 650-5500 or [ftc\\_help@siue.edu](mailto:ftc_help@siue.edu).

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ alt phone: \_\_\_\_\_

Course & section #: \_\_\_\_\_

Instructions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Please answer the following questions before you submit your work request:

1. Is the video/audio your original work? Did you create the video/audio?

- ☐ Yes - you are the copyright holder, we can copy the video/audio without further permission.
- ☐ No - you may need to get copyright permission. Continue to the **question 2**.

2. Is there a copyright?

- ☐ No - if it's in public domain. Most video/audio are not public domain (YouTube and other online videos do not automatically constitute public domain)
- ☐ Yes - Continue to the **question 3**.
- ☐ Not sure - most everything is copyrighted whether it has the © or not. Continue to the **question 3**.

3. How much of the video/audio piece are you going to use?

- ☐ The whole piece - contact the copyright holder to obtain **written** permission (either paper copy or email). Permission must be written. Oral permission is not acceptable.
- ☐ Small parts - possibly Fair Use – Continue to the **question 4**.

4. I'm using this video/audio for class. Can't I copy it under the TEACH Act?

The TEACH Act updates the copyright laws to include distance and online education. Just because you plan to use it in the classroom does not mean you can make copies of it. The Provisions in the TEACH Act:

- ☐ Uses reasonable and limited portion (not the entire film)
- ☐ Limited to what would normally be shown in a classroom
- ☐ Must be limited to those students enrolled in the class (use with Blackboard – password protected and limited to only those registered for class. No public viewing)
- ☐ Time restriction and no disseminating of materials (videos can be streamed rather than downloaded and students have a restricted access, only the length of the class)
- ☐ Duplication cannot override the copyright protection on the media

If you believe that you can use this video/audio under Fair Use, please fill out the following worksheet:

# Video/Audio/Multimedia Fair Use Worksheet

## Purpose

### *Favoring Fair Use*

- ☐ Teaching
- ☐ Research
- ☐ Scholarship
- ☐ Nonprofit Educational Institution
- ☐ Criticism
- ☐ Comment
- ☐ News reporting
- ☐ Transformative
- ☐ Restricted access
- ☐ Parody

### *Opposing Fair Use*

- ☐ Commercial activity
- ☐ Profiting from the use
- ☐ Entertainment
- ☐ Bad-faith behavior
- ☐ Denying credit to original author

## Nature

### *Favoring Fair Use*

- ☐ Published work
- ☐ Factual or nonfiction based
- ☐ Educational objectives

### *Opposing Fair Use*

- ☐ Unpublished work
- ☐ Highly creative work (music, films, etc.)
- ☐ Fiction

## Amount

### *Favoring Fair Use*

- ☐ Small quantity
- ☐ Portion used is not central or significant to entire work

### *Opposing Fair Use*

- ☐ Large portions or whole work used
- ☐ Portion used is central to work or "heart of the work"

## Effect

### *Favoring Fair Use*

- ☐ User owns lawfully acquired or purchased copy of original work
- ☐ One or few copies made
- ☐ No significant effect on the market or potential market copyrighted work
- ☐ No similar product marketed by the copyright holder
- ☐ Lack of licensing mechanism

### *Opposing Fair Use*

- ☐ Could replace sale of copyrighted work
- ☐ Significantly impairs market or potential market for copyrighted work or derivative
- ☐ Reasonably available licensing mechanism
- ☐ Affordable permission available
- ☐ Numerous copies made
- ☐ You make it public on Web or in other public forum
- ☐ Repeated or long term use

I believe to the best of my knowledge that the above is true. I understand that I take full responsibility for the above decisions of my work.

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Faculty Signature

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Date