



Guidelines on copyright and fair use

These are guidelines on fair use and copyright as they apply to teaching and research. The focus is on rules and procedures for copying, distributing and making accessible electronic and print items in the course of teaching and research, taking into account fair use principles as defined by the practice at US universities and Hungarian copyright law. In this document, priority is given to working out guidelines that preserve and strengthen the research and teaching needs at the Közép-európai Egyetem, Central European University and Central European University Budapest Foundation – hereinafter jointly referred to as CEU. The guidelines also aim to cover student activity as part of coursework and other academic activities.

Making photocopies or having materials photocopied on the university premises shall only be carried out in line with the present guidelines.

Principle of copyright and fair use

All literary, academic, scientific, and artistic works – with special regard to literature, technical writings, academic and scientific publications, as well as public speeches - are protected by copyright. An author is entitled to the sum total of copyright - inherent and economic rights - from the time a work is created. Authors cannot assign or waive their moral rights or have these rights assigned to another person in any other manner. Economic rights can be assigned or waived under circumstances defined by the law.

1. What is fair use?

Fair use is a copyright principle based on the belief that the public is entitled to use freely portions of copyrighted materials for purposes of commentary and criticism. This entails that copyrighted materials can be freely used for the purposes of teaching and learning within a non-profit academic setting, provided other conditions are met.

2. What works are covered by fair use?

Fair use is allowed only concerning works which have been made public and in accordance with the provisions of the law, the general principles of which are listed in these guidelines.

In general, only parts of literary or musical works may be used, and not complete works. But - as an exception - small independent works, music or photos or pictures may be used in their entirety.

In addition, sections of public lectures and other similar works, as well as political speeches, may be used fairly to the extent justified for the purpose. In such cases, the source and the name of the author must be indicated whenever possible.

3. What is the purpose of fair use?

The purpose of fair use is teaching in educational institutions and/or scientific research.

In case entire works (such as a photo or a newspaper article) are used, the purpose must be illustration for teaching or research purposes.

In both cases the condition is that the recipient work is not utilized commercially.

In applying the above provisions, materials are used for the purpose of academic education, if the provisions are implemented in accordance with the curriculum or instructional requirements of education occurring within the scope of the Hungarian Higher Education Act.

4. How is fair use exercised?

By designating the source and the author specified therein and to the extent justified.

Works covered by fair use can be reproduced for educational purposes with a number of copies that corresponds to the number of students in the class or examinations.

5. How may works covered by fair use be used?

Works that fall within the framework of fair use can be used without remuneration, and the author's authorization is not necessary for such use.

6. Is the author's authorization necessary?

The author's authorization is not necessary for the non-commercial reproduction and publication of the recipient work if the recipient work is declared a textbook or reference book pursuant to the relevant laws and the academic purpose is designated on the title page.

For any alteration of the works, even for educational purposes, the consent of the author is necessary.

7. Guidelines for teachers and researchers :

Taking into consideration the general guidelines and principles – see above – of fair use, anyone is entitled to quote parts of works (including literary, scientific, artistic works etc.) - to the extent warranted by the character and purpose of the recipient work, but only by designating the source and the author specified therein:

- whole name of author
- name of work
- publication place and date
- publisher
- number of page(s)

This clause is to be understood to apply to any work in paper form, and also in downloaded and electronic form.

Copies can be made by teachers and researchers of CEU if such activity does not serve to generate or increase income in any way or form and

- a) if the copy is necessary for academic or scientific research or teaching;
- b) if the copy is made from a smaller part of a work that has already been published or a newspaper or periodical section.

In addition, the following principles should be adhered to:

- The amount of a work disseminated should be no greater than what is needed for the particular educational use. Fair use depends on balancing different factors. A checklist is appended here which faculty may use for their own information to assess if their proposed use complies with fair use.
- Works disseminated should be within a closed environment, such as a classroom, either through the provision of readers or through an e-learning tool.
- Copies of copyrighted works should include proper attribution.
- Access to a course Web site containing copyrighted materials should be limited to students enrolled in the course or other individuals requiring access to the course materials for purposes of conducting the course. This can be achieved through the use of passwords.
- Student access to copyrighted content should terminate when the student has completed the course. Links to material on the Web may be provided in line with copyright rules and these guidelines. Linking does not involve the creation of additional copies and is therefore not copyright infringement. Making copies and further linking may however lead to infringement of copyright if such copying or linking is not in line with the provisions of these guidelines.

Signed by *CEU President and Rector John Shattuck*.

The original document is filed at the Office of the Academic Secretary.

FAIR USE CHECKLIST¹

Directions: Check all boxes that apply. For each of the four sections below, determine whether that factor favors or disfavors a finding of fair use. If any of the factors disfavoring "fair use" is selected, permission should be obtained before copying or disseminating copies of the work.

PURPOSE OF THE USE

Favoring Fair Use

Educational

- Teaching
- Research
- Scholarship
- Criticism

Transformative or Productive use
(changes the work to serve a new purpose)

Nonprofit use

Disfavoring Fair Use

Commercial or entertainment

Non-transformative verbatim/exact copy

Use For Profit

NATURE OF THE COPYRIGHTED MATERIAL

Favoring Fair Use

Factual, nonfiction, news

Published work

Disfavoring Fair Use

Creative (art, music, fiction), or consumable
(workbooks, tests) work

Unpublished work

AMOUNT COPIED

Favoring Fair Use

Small quantity (e.g. a single chapter or journal
article or other excerpt consisting of less than
10% of the work)

Portion used is not central to entire work as a
whole

Amount is appropriate to education purpose

Disfavoring Fair Use

Large portion or entire work

Portion used is central or the "heart" of the
work

Includes more than necessary for education
purpose

¹ This checklist is revised from one at use at Cornell University. Cornell University Copyright Information Office, *Checklist for conducting a fair use analysis before using copyrighted materials.*
http://copyright.cornell.edu/policies/docs/Fair_Use_Checklist.pdf

EFFECT ON THE MARKET FOR ORIGINAL

Favoring Fair Use

- No significant effect on the market or potential market for the copyrighted work
- One or few copies made and/or distributed
- No longer in print; absence of licensing mechanism
- Restricted access (limited to students in a class or other appropriate group)
- One-time use, spontaneous use (no time to obtain permission)

Disfavoring Fair Use

- Cumulative effect of copying would be to substitute for purchase of the copyrighted work
- Numerous copies made and/or distributed
- Reasonably available licensing mechanism for obtaining permission to use the copyrighted work currently available e.g. CCC licensing or off-prints available
- Will be making it publicly available on the Web or using other means of broad dissemination
- Repeated or long-term use

ALTERATION OF WORKS

Favoring Fair Use

- No alteration is made
- Author gave its consent to alteration and to the use of such altered works

Disfavoring fair use

- Alteration is made
- No written consent of the author for the use of altered works exists

Document information	
Type	Guidelines
Number	G-1305-01
Title	Guidelines on copyright and fair use
Distribution	Internal
Filename	G-1305-01 Guidelines on copyright and fair use
Notes	New Guidelines
Related documents	
For final documents	
Approved by:	Senate
Date of approval	31 May 2013
Enters force	1 October 2013
Lead Unit	Provost Office