**University System of Georgia:**

**Copyright and Fair Use Guidance During the COVID-19 Emergency**

U.S. Copyright law’s fair use provision, [17 USC 107](https://www.law.cornell.edu/uscode/text/17/107), allows for the copying and distribution of limited portions of in-copyright materials for teaching, education, and research, and other uses. This exception to copyright law exists to support copyright’s ultimate goal -- to provide a benefit to the public itself. As such, the law certainly should permit copying portions of rights-protected works for emergency distance education under a situation like the one we face today with COVID-19.

At the same time, however, it is important to recognize that the fair use provision itself has not changed due to COVID-19, and we do not have any clear guidance on how the current situation is legally different from normal. As such, it is wise to act prudently when using copyright-protected works today, as always.

The fair use provision asks you to consider whether the amount you want to copy fits the reason you want to use the work. Accordingly, you should feel free to use copyright-protected materials to the extent necessary to make your classes function in a distance learning environment, but you should not engage in unrestrained copying of these works.

This to end, we provide the following guidance:

* You may scan print materials, including the textbook, providing:
  + Your institutional library is unable to procure material e-licensing in a timely matter, or when e-licensing is not available. Contact the Libraries for questions about e-licensing.
  + The materials are only available to students enrolled in your course, through a limited access site (D2L)
  + Use \*only\* the portions that are needed to complete the semester (for example, if you only need chapters 7-9, only scan that portion of the textbook)
  + The materials are "pedagogically necessary"
  + You include this statement along with any scans you upload.
    - This scan is being provided as part of an extraordinary effort to provide remote delivery of course. It is for your personal use only, and it is only intended for use during the time when the institutional and USG public health measures prevent access to your personal copy or a copy on physical reserve at the library. Please delete this copy once you have access to those physical copies.
* You should continue to link to online library resources as before. If it is available electronically though the library, you should be using those resources and not scanning print materials.
* If you show pedagogically critical films or other physical audio-visual materials in your face-to-face classes (showing a DVD, for example), contact your institutional library to determine if a streaming version can be licensed or alternative material is suitable.

Faculty are advised to limit the availability and sharing of the in-copyright materials provided to them by libraries for the purpose of teaching only those students who are currently enrolled in the faculty member’s course. This purpose excludes the sharing of those materials provided by libraries with any others not currently enrolled in the course.

Students are advised to limit their use of material provided to them by their instructors only for the purpose of their own private study and should refrain from sharing with others.