



## **Copyright Compliance and User Permissions**

**November 2012  
Updated June 2018**

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Preferred citation: National Children's Advocacy Center. (2018). Copyright compliance and user permissions. Huntsville, AL: Author.

## Copyright Compliance and User Permissions

Do you sometimes wonder whether you may share an article or other resource? What about giving proper credit to sources? Below are some simple tips to help guide you through the world of scholarly communication. Further details may be found by accessing the US Copyright Law at the links provided below or by contacting the NCAC Digital Information Librarian at [library@nationalcac.org](mailto:library@nationalcac.org)

### I. Who holds copyright? [Title 17 of US code](#)

- A. Items produced for and while under employment are the copyrighted material of the employer.
- B. Literature produced in reports, books, journals and other publications are copyrighted by the publisher. An author does not have authority to grant use of such resources unless the author is the publisher.
- C. Unauthorized reproduction, copying, and distribution of copyrighted materials without permission is a violation of US Copyright law, unless otherwise stated in the publication.
- D. The safest course is to get permission from the copyright owner before using copyrighted material. The Copyright Office cannot provide this permission.

### II. When may we share?

- A. The copyright owner has made the material publicly available on the Internet.
- B. The copyright owner has expressed permission in writing to copy, distribute, and disseminate the material
- C. The work was funded by the National Institutes of Health (NIH). Works will provide statements indicating that the work was NIH funded.

#### D. [Fair Use Doctrine: Title 17, Section 107](#)

The distinction between Fair Use and Infringement is not always easily defined. Four factors determine whether a Fair Use exception may be allowed.

1. The use is for nonprofit educational purposes, not for commercial purposes.
2. The nature of the copyrighted work.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for, or value of, the copyrighted work.

You should avoid the use of copyrighted material unless you are confident that the doctrine of fair use would apply to the situation.

### **III. What if I am paying for a subscription?**

Posting materials on email distribution lists or other public or semi-public communication lists or otherwise sharing proprietary materials is a violation, unless all members of the group are members of a paid subscription user-group. (Example: A group of university students who have access to the resource via their paid tuition).

### **IV. Giving Credit\*:**

Use the suggested citation if one is provided. Otherwise, provide full credit when using any portion of a work by using proper APA, MLA, or other citation style. Credit should be prominently displayed and attributed to the author and/or agency of origination.  
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When in doubt, [Ask a Librarian](#).