Legal Concerns Re. Using Images in Your Work

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Fair Use is an argument as to the limitations of copyright protection. The practice refers to when you judge that you can legally use copyright-protected work without specific permission from the copyright holder towards a means of your own freedom of expression. It is an argument and not a clear-cut permission, which itself could only be determined by a legal proceeding.

The four factors of fair use must always be considered together. If your specific use of a material weighs heavily in favor of these factors, then there is a strong likelihood you’re working within the “terms of fair use”.

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes – nonprofit and educational is considered more favorable
2. the amount and substantiality of the portion used in relation to the copyrighted work as a whole – not using an entire work and not using the “heart” of the work is more favorable, as is the semi-permanence (considering format and distribution) of your use
3. the nature of the copyrighted work – reusing or adapting factual, published content (without any sort of unique display) is more favorable
4. the economic effect of the use upon the potential market for or value of the copyrighted work – identify the rights-holders in considering the potential impact.


Rev. 10/10/17 For more information, see the CTL Teaching Toolkit’s website: http://ctl.jhsph.edu/toolkit