

Copyright Basics for Instructors Using Blackboard

In this edition of the CTL Bulletin, Associate University Librarian David Green has compiled some useful information and resource materials to help faculty deal with copyright issues. As instruction goes increasingly electronic (at least as a supplement), we all need to be more aware of what we can and cannot do in our efforts to bring authentic, up-to-date information to our students. Here are some useful tips to keep in mind.

Did you know?

- If you use something produced by someone else in your Blackboard class for more than one semester without the copyright holder's permission, regardless the number of semesters between offerings of the class, you are most likely violating copyright law.
- Information and files on the internet are usually not free from copyright protection.
- Copyright is automatically granted. It is not necessary for the producer of the work to register the work, or to put the copyright notice on the work.
- Fair use states that you are allowed to make copies of or post electronically – in a secure area such as Blackboard (not a publicly available website) – a resource for your students for a *one-time use*.
- Copyright infringement can leave you personally liable to court-ordered damages ranging from \$250 to \$150,000, plus attorney's fees, for each act of infringement. Additional fines and even jail time can result if the offense is considered "criminal copyright infringement."

Where can I learn more?

- **Here is a simple guide to see if you are covered by fair use or not:** The Copyright Management Center of IUPUI has developed a quick checklist for the academic community to help guide you in determining if your use of an item is likely to be considered fair use or not. Please read the brief introduction to the checklist before completing the checklist itself.
 - Introduction: <http://www.copyright.iupui.edu/introchecklistfairuse.pdf>
 - Checklist: <http://www.copyright.iupui.edu/checklist.htm>
- **Here are several sites that give advice for typical scenarios:** These sites give answers to common scenarios instructors find themselves in when trying to determine if it's OK to post something on their Blackboard site or not.
 - New York University Libraries give suggestions regarding 11 scenarios in "Frequently Asked Questions About Use of Digital Materials" found at <http://library.nyu.edu/copyright/faq.html>
 - The Copyright Management Center of IUPUI offers six scenarios based on different source types (chapters, journal articles, videos...) with suggestions at <http://www.copyright.iupui.edu/fuscenarios.htm>
 - The Hartness Library System of Vermont has developed an extensive question/answer document called, "Copyright, Fair Use and Plagiarism" which helps answer common questions and is found at <http://hartness.vsc.edu/hartness/copyright/copyright.php>
- **Contact your library liaison for assistance:** The library cannot offer legal advice and each instructor assumes their own liability when making a decision, but a librarian can direct you to other resources than those listed here to help you with a specific question on copyright and fair use. To find the librarian for your discipline check this site: <http://www.neiu.edu/~neilib/about/libinformation/liaisons.html>
- **Check the next page for simple chart outlining copyright do's & don'ts.**

Copyright and Blackboard*

As a general rule, simply putting an item up in Blackboard does not exempt an instructor from copyright regulations. Here is a chart for a general idea of what is o.k. to post.

| Item Posted in Blackboard | Green Light ☺ | Red Light ☹ |
|------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Web site containing copyrighted material | Link to the web site in Blackboard | Copying and pasting the content of the web site into Blackboard |
| Copyrighted image from a website | Put up in Blackboard for ONE semester | Use from semester to semester without permission |
| Article from Library Database | Link to the article | Download the article to your hard drive and then post in Blackboard |
| Scanned personal picture | Put up anywhere in Blackboard | |
| Scanned copyrighted image | Put up in Blackboard for ONE semester | Use from semester to semester without permission |
| Scanned chapter from a book | Put up in Blackboard for ONE semester | Use from semester to semester without permission |
| Audio Files | As long as it meets other fair use and TEACH guidelines, put up in Blackboard for limited time (10 days) | Use from semester to semester without getting permission or keep up for longer than 10 days. |
| Video Files | As long as it meets other fair use and TEACH guidelines, put up in Blackboard for limited time (10 days) | Use from semester to semester without getting permission or keep up for longer than 10 days. |

There are also guidelines regarding how *much* of a source you may use.

| Portion Restrictions: | Media Allowable Portion for Fair Use |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------|
| Motion Media (e.g. video) | Up to 10% or 3 minutes, whichever is less |
| Text material | Up to 10% or 1000 words, whichever is less |
| Music, lyrics, music videos | Up to 10% but no more than 30 seconds |
| Illustrations, photographs | No more than 5 images from an artist/photographer, or no more than 10% or 15 works from a published collective work |
| Numerical data sets | up to 10% or 2500 fields whichever is less (e.g. database) |

* These charts were developed by the Z. Smith Reynolds Library, Wake Forest University, and are provided with its permission.