Copyright & Blackboard

Materials may be posted to Blackboard when:

**You own the copyright.** This includes class notes, PowerPoint presentation, tests, etc. which you have created. This can also include materials you’ve published so long as you have not signed-away this right in your publication agreement.

-or-

**You link to content legally available on the web.** There are no copyright infringement concerns or licensing rights to worry about when providing your students with links to content made available legally on the web. Whenever possible you should link to material rather than posting a copy to your course page; this includes items found through the Library’s databases or catalog.

-or-

**The use is a “Fair Use” as defined under 17 U.S.C. § 107.** Utilize the Fair Use tools to help with this decision (see opposite side).

-or-

**The use falls under the TEACH Act statutory exception.** Remember that you can use a ‘display’ comparable to what you’d show in the classroom. For a ‘performance’ use only the amount needed to teach the work. See opposite side for additional information on the TEACH Act.

-or-

**The material you wish to use is in the public domain.** Items published before 1923 are in the public domain and can be used however you wish. Remember to provide credit to the original author!

-or-

**You use Creative Commons or Open Access works.** These items can be shared with students in accordance with the terms of their license. Learn more by visiting [http://creativecommons.org/](http://creativecommons.org/) (Creative Commons) [http://www.doaj.org/](http://www.doaj.org/) (The Directory of Open Access Journals).

-or-

**The rightsholder grants permission for you to post the work.** This includes student work! Remember to get the permission in writing. Contact the CEI Office for sample permissions letters or to obtain a copy of the Permission to Use Student Work form.

-or-

**You obtain a license to use the work.** Licenses for using print works can be acquired through the Copyright Clearance Center: [http://www.copyright.com/](http://www.copyright.com/). Permissions fees are involved, often based on the number of pages being used and the number of students in your class. You or your department will be responsible for paying these fees.
Fair Use
Fair use (17 U.S.C. § 107) is an exception written into U.S. Copyright Law that provides us with the ability to use portions of copyright works for the purpose of teaching, research, news reporting, criticism, and commentary without risk of infringement. In order to determine if a use is a fair use you must consider:....
1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational 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; and
4. the effect of the use upon the potential market for or value of the copyrighted work

Note: Fair use decisions must be made on a case-by-case basis and should be made by the person utilizing the work!

Fair Use Tools
These tools will help you work through a fair use decision. They only work if you are completely honest in your assessment. It’s also a good idea to keep a copy of your analysis as a record of your decision making process.

<table>
<thead>
<tr>
<th>Tool</th>
<th>Website</th>
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<tbody>
<tr>
<td>ALA Fair Use Evaluator</td>
<td><a href="http://librarycopyright.net/fairuse/">http://librarycopyright.net/fairuse/</a></td>
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<tr>
<td>Thinking Through Fair Use</td>
<td><a href="http://www.lib.umn.edu/copyright/fairthoughts">http://www.lib.umn.edu/copyright/fairthoughts</a></td>
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The TEACH Act
The Technology, Education, and Copyright Harmonization Act (TEACH Act) was passed by Congress in 2002 to address copyright issues in distance education.

What the TEACH Act Allows
- Reasonable and limited\(^1\) portions of dramatic\(^2\) music and literary works.
- Full performance\(^3\) of any nondramatic\(^4\) music or literary work.
- Reasonable and limited portions of audiovisual\(^5\) works (e.g. films).
- Displays\(^6\) of works in any amount comparable to that which is displayed in the course of a live classroom session.

What the TEACH Act Does Not Allow
Digitization of works produced or marketed primarily for online education (e.g. works already available in electronic format) and the use of works that are made from a copy that was not lawfully acquired.

TEACH Act Compliance
- Whether your work is dramatic or nondramatic use only as much as needed to illustrate your point to teach the material.
- Post copyrighted works to Blackboard in order to limit access to only those students enrolled in your course.
- Post this message to your class page: “The copyrighted materials posted to this class page are intended for your personal use and should not be shared with others or retained beyond the end of this course.”
- Remind your students of the UCCS copyright policy and encourage them to learn about their rights and responsibilities when utilizing copyrighted works.
- Stream audio and video files.

\(^1\)“Reasonable and limited” does not mean you cannot use the entire work; however, you should only use the amount needed to illustrate your point or adequately teach the work.
\(^2\)Dramatic music or literary works are those that are intended to be performed and usually include spoken text, plot, and directions for action. Examples include opera, plays, Broadway musicals, ballet, and radio, cinema, and television scripts.
\(^3\)Perform means to recite, dance, or act out a work. For films, it means to ‘play’ the film, showing the images sequentially with the accompanying sounds (words, music) made audible.
\(^4\)Performances of nondramatic literary works can include the reading of stories, poetry, or text. Performances of nondramatic musical works include the playing of musical works or singing of songs.
\(^5\)Examples of audiovisual works include films, television shows and videogames.
\(^6\)To “display” a work means to show a copy of it, e.g. an image of a work of art, a copy of a newspaper advertisement, an illustration in a book. In the case of a film, display means showing individual stills or frames from the film.