

# SEU Copyright Guidelines

## NOTE:

These guidelines are written to help Faculty decide if they need to obtain copyright permission prior to using a work, and will be revised as needed. If you have already obtained permission to use or distribute copyrighted material, then you are likely already complying with the law.

## This document contains:

- I. [An Overview](#)
- II. [A List of Quick questions & answers](#)
- III. [Copyright Laws & their implications](#)
- IV. [A Quick use checklist for online materials](#)
- V. [Frequently Asked Questions \(FAQ\)](#)
- VI. [Common Use Cases that cover both traditional and online use of materials](#)
- VII. [Copyright References & Resources](#)

## I. Overview

### What is copyright?

In Article I, Section 8 of the U.S. Constitution it states that:

The Congress shall have the power...To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Pursuant to this, Congress has enacted a number of Laws to further define and refine the set of author privileges collectively known hereafter as "copyright" privileges, or simply copyright. This document will describe relevant law as it applies to typical higher education usage along with summaries and guidelines to help explain the law in the context of higher education.

### What do I need to know about copyright?

As defined in the Technology and Information Policy, you are responsible for appropriate use of copyrighted material within the bounds of what is allowed under US Copyright statutes. This policy applies to all use of copyrighted material at St. Edwards University, including but not limited to computing resources (such as Blackboard), as well as campus service areas (such as the Library, Copy Center, Bookstore, and Faculty Resource Center).

What is the penalty for a copyright violation?

- \$150,000 per willful act of infringement
- Applies to everyone involved, from institution to faculty and support staff

### What is my role and what are the roles and responsibilities of the university?

These roles and responsibilities are described in the Technology and Information Policy at: <http://www.stedwards.edu/policy.htm>

### How will I know that I'm operating within what copyright law allows?

### How can I protect myself and my students from risk of litigation as a result of copyright infringement?

These questions are not easily answered, and the subject of copyright is complex. Legislation and the court cases that shape their application are often difficult to interpret for diverse instructional settings. Therefore, Faculty may need help in understanding the advantages and restrictions of the US Copyright Statutes. This

FAQ, it's Use Scenarios and External Resources are designed to provide a framework to help interpret and apply these guidelines to copyrighted materials for use in SEU classes. While SEU's Information and Technology policy provides a statement of **SEU's copyright policy**, these resources are an attempt to further educate and inform the community about practical copyright issues.

**\*Note:** *This document is meant to provide general information about copyright, and is not a substitute for legal advice. Consult a licensed attorney for specific legal questions.*

## II. Quick Questions & Quick Answers

**Quick Question #1:** What do I need to know about copyright?

**Quick Answer #1:**

Copyright law refers to Title 17 of the United States Code that deals with Copyright. Copyright protection exists for works of authorship fixed in any tangible medium of expression, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories: 1) literary works, 2) musical works, 3) dramatic works, 4) pantomimes and choreographic works, 5) pictorial, graphic, and sculptural works, 6) motion pictures and other audiovisual works, 7) sound recordings, and 8) architectural works. The Copyright Act gives the owner of the copyright the right to distribute copies of the work to the public among other rights specified in Section 106 of the Copyright Act. All material currently published is copyrighted, regardless of an official notice. Copyrighted material can be used if the user has purchased rights to do so, or if it is allowed under certain provisions of the Copyright Code.

**Quick Question #2:** How will I know that I'm operating within what copyright law allows?

**Quick Answer #2:**

**Copyright law** allows for use of copyrighted materials assuming that:

The use is considered to be "**Fair Use**" under the **Copyright Statutes**

The use is covered by statutes that govern use of online display of copyrighted content (the "**TEACH Act**" Statutes)

The work is considered to be in the "**Public Domain**"

The user has permission to use the copyrighted work

**Quick Question #3:** \*How can I protect myself and my students from risk of litigation as a result of copyright infringement?

**Quick Answer #3:**

- Obtain permission before using copyrighted material
- Become familiar with what is allowable under Copyright Law
- Use the information in this document to help guide your use of copyrighted content

**Quick Question #4:** How do I go about creating and distributing course packs for my students?

**Quick Answer #4:**

When submitting your textbook adoptions to the SEU Bookstore, list the name of any course pack you intend to use as you would a textbook title.

Have clean copies of the works that you plan to include in the course pack with complete bibliographical information including page numbers for each submission.

All material (except that produced solely by the instructor) must have written permission to reprint by the copyright holder. Contact either the SEU Bookstore, a designated person within your school, or create an account yourself at <http://www.copyright.com>. If you create your own account, submit copies of the permissions to the Bookstore and discuss payment to copyright holders.

Copies of excerpts or articles with copyright permissions should be given to the Bookstore at least three weeks before classes begin.

Distribution of course packs is handled by the SEU Bookstore.

**Quick Question #5:** What university services are available to help me obtain permission to use copyrighted materials in my class?

**Quick Answer #5:**

- a. The university bookstore has the most experience in helping to obtain copyright permission.
- b. Some schools have a designated person who is familiar with the procedure. Check with your dean or dean's assistant.
- c. If you have time, you may wish to pursue copyright yourself.

**Quick Question #6:** What do I need to know about asking the copy center to make copies of copyrighted material?

**Quick Answer #6:**

The Copy Center requires that you have copyright permission before making copies of copyrighted materials except when the material and circumstance meets educational fair use guidelines.

**Single Copying for Teachers:** Generally a single copy of a chapter from a book or an article from a periodical can be made for an instructor's scholarly research or use in teaching or preparing to teach a class.

**Multiple Copies for Classroom Use:** If you have material (i.e. one chapter out of a book, an article out of a newspaper, magazine or journal, or a poem) that you have never copied before and you are making these copies on the spur of the moment (do not have time to get permission) we will make copies (not to exceed one copy per student in class) one time under the criteria of Fair Use. Each copy must include a notice of copyright. We keep records of all copyrighted material and should you need to make copies of this material in the future you will have to provide written copyright permission before we will make the copies for you again.

For a more extensive description of these guidelines go to:

- a. [http://www.stedwards.edu/auxservices/copyright\\_policy.htm](http://www.stedwards.edu/auxservices/copyright_policy.htm)
- b. <http://www.utsystem.edu/OGC/intellectualproperty/clasguid.htm>

**Quick Question #7:** What do I need to know about using materials obtained from the Library's online databases?

**Quick Answer #7:**

Copyright Restrictions about Full Text Articles

Many faculty members would like to print articles from library databases for course packs, or upload or link to an article from a library database to Blackboard. Some of the library's online resources have limitations on such use due to licensing agreements. As such, the library provides a webpage on the Faculty Services section of the library website that faculty members can consult before using articles obtained from online library resources: [http://libr.stedwards.edu/user\\_services/fac\\_ser.htm](http://libr.stedwards.edu/user_services/fac_ser.htm)

Locating Specific Articles from Library Online Databases

Because licensing restrictions vary from vendor to vendor regarding use of articles from online database vendors, faculty may wish to instruct students to access these articles directly or refer them to a reference librarian for assistance. Students should have the complete citation to the article. Click on the link from the library's home page entitled Periodicals. Enter the title of the journal. This will pull up a listing of databases that contain full text for that journal. Check the year of the citation with that of the database coverage. Click on the blue link to the online database. Select the correct year and volume for the journal. From the list of full text articles within that issue, select the appropriate article, which may then be printed. These lists are

generally arranged chronologically and can be browsed. Sometimes a search screen will appear for a periodical title, in which case a search for the title and/or author will usually work.

**Quick Question #8:** I have previously placed materials on reserve for one semester in Library, and now wish to use the same materials to distribute to my class in a subsequent semester. Can I do this?

**Quick Answer #8:**

No. You must obtain copyright permission to distribute materials beyond the first use.

### III. Copyright Laws & Their Implications

#### THE LAWS

##### 1. General Revision of the Copyright Law (1976) and Judicial Improvement Act of 1990

The copyright law gives copyright owners the sole right to reproduce all or part of the work, distribute copies, prepare new (derivative) versions of the work, and perform and display the work publicly. Copyright protection governs "original works of authorship fixed in any tangible medium of expression. The law protects unpublished as well as published material. It also introduces the concept of "Fair Use", described below.

**2. Fair Use:** The fair use doctrine allows for the use of copyrighted work, including some reproduction of the work, without obtaining the copyright owner's permission, if certain conditions are met. The factors to be considered are:

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 of the work used in relation to the copyrighted work as a whole; and
4. the effect of the use in question upon the potential market for or value of the copyrighted work.

**See the FAQs Section for more on Fair Use**

##### 3. The Digital Millennium Copyright Act (DMCA) of 1998

The DMCA extends the concept of copyright to a digitally networked environment whereby electronically recorded materials can be readily disseminated. This Act was intended to clarify the "Fair Use" concept as it applies to digital media. This Act has four applicable components:

1. It is illegal to circumvent a technical measure applied to control access to a copyright protected work.
2. Monetary liability limits are established for online service providers (such as SEU) for copyright infringement as long as certain conditions are met.
3. Copies of computer software may be made for purposes of repair or maintenance of a computer by the owner or legal lessee.
4. Libraries may make digital copies of materials in their collections for the purpose of specified preservation activities.

##### 4. The Technology, Education, and Copyright Harmonization (TEACH) Act

The TEACH Act amends the Copyright Code to give accredited non-profit educational institutions the right to use portions of copyrighted works for online instruction without permission from the copyright owner as long as certain preconditions are satisfied. Such usage must also include technical measures to control further

dissemination of copyrighted materials beyond the intended educational users by said recipients. Such expanded use is contingent upon the institution satisfying several requirements, one of which is to make efforts to inform its faculty and staff of copyright laws and their application.

**See the FAQs Section for more on the TEACH Act**  
**See the Quick Use Checklist for a list of requirements**

#### IV. Quick Use Checklist for Online Materials

How do you know if you can show audio or video online to teach at SEU?

How much graphics, audio, or video can you show in a face to face vs. Blackboard class?

How often can you show copyrighted material?

- This list is based on provisions outlined in the TEACH Act. Please refer to [UT's summary of the Teach Act](#) for complete list of guidelines
- For specific examples and use cases, please refer to:
  - o [Use Case 1: Online Delivery of Text](#)
  - o [Use Case 3: Online Delivery of Images and Graphics](#)
  - o [Use Case 5: Online Delivery of Audio and Video](#)

**You should be able to answer "yes" to every question before using the work without permission.\***

- a. Was the work legally acquired?
- b. Will the work be used for either display or performance in an SEU classroom setting?
- c. Will the work be used as part of "systematic mediated instructional activities" at SEU?
  1. *Need a definition of "systematic mediated instructional activities"?*
    - <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>
    - <http://www.lib.ncsu.edu/scc/legislative/teachkit/glossary.html>
- d. Is the work integral to the "classroom session"?
  1. *Need a definition of a "class session"?*
    - <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanced/teachfaq.htm#class>
    - <http://www.lib.ncsu.edu/scc/legislative/teachkit/glossary.html>
- e. Are there no commercially available versions of the work; or does the commercial version have technology protections that would prevent you from using it to display or perform the work online?
- f. Is the amount of the work being used a "reasonable and limited" quantity?
  1. *Need a definition of "reasonable and limited quantity"?*
    - <http://www.lib.ncsu.edu/scc/legislative/teachkit/glossary.html>
- g. Will access to the material be limited to those enrolled in the class?
- h. Will access to the material be limited to the time of the "class session"?
- i. Will measures be taken that help to prevent downloading of the material?
- j. Will students be prevented from retaining the work beyond the "class session"?
- k. Will steps be taken so that students can't distribute your classroom material?
- l. Is a copyright notice present on the website?

**\*Note: Refer to [Fair Use guidelines](#) before using materials outside of the TEACH act provision**

*This document is meant to provide general information about copyright, and is not a substitute for legal advice. Consult a licensed attorney for specific legal questions.*

## V. Frequently Asked Questions

### Background

1. What is protected by copyright?
  - Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works. Copyright, a form of intellectual property law, protects the essence of original works of authorship (and the essence of the original work) including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture.
2. What is not protected by copyright?
  - Copyright does not protect ideas, facts, methods of operation, systems or concepts. Only a specific expression of an idea or concept can be protected. For example, the author of a book on the history of St. Edward's would have copyright in that specific book, but could not prevent publication of another book on the same topic. The copyright only prevents copying of the way in which the first book expresses the topic.
3. How is a copyright different from a patent or a trademark?
  - Copyright protects original works of authorship, the expression of an idea, while a patent protects inventions or discoveries. Ideas and discoveries are not protected by the copyright law, although the way in which they are expressed may be. A trademark protects words, phrases, symbols, or designs identifying the source of the goods or services of one party and distinguishing them from those of others.
4. Are ideas, methods or concepts protected by copyright?
  - No. Copyright protection extends only to expressions and not to ideas, procedures, and methods of operation or mathematical concepts as such. This principle has been confirmed by the Agreement on Trade-Related Aspects of Intellectual Property Rights
5. Is content found on the Internet considered to be in the public domain and therefore not copyright-protected?
  - No. The legal concept of the public domain as it applies to copyright law should not be confused with the fact that a work may be publicly available, such as information found in books or periodicals, or on the Internet. The public domain comprises all those works that are either no longer protected by copyright or never were.
6. What is "fair use"?
  - Fair use is primarily intended to allow the use of copyright-protected works for commentary, parody, news reporting, research and education. However, fair use is not an exception to copyright compliance so much as it is a "legal defense." That is, if you use a copyright-protected work and the copyright owner claims copyright infringement, you may be able to assert a defense of fair use, which you would then have to prove.
7. How will the "TEACH Act" affect me?
  - This 2002 Act governs the conditions under which accredited nonprofit educational institutions may use copyrighted material with permission or payment of royalties and came about largely as a result of distant learning programs. The act allows faculty to display or perform material which is directly related to the class content in a way which only the students enrolled in the class has access and that the faculty take reasonable precaution in order to prevent the retention of the work by students.
8. What are some of the exceptions to copyright for educational purposes?
  - All works are subject to copyright restrictions, except for works in the public domain

9. What are standards of good practice?
  - Borrowed material should be attributed to the copyright holder.
10. Should materials obtained from public domain sources be referenced?
  - It is always a good practice to attribute source materials, even if public domain

## Distribution of copyrighted works

1. How much of a copyrighted work can you show and how often can you show it in a face to face class setting?
  - In general, Fair Use allows "display and performance" of a legally acquired work
  - For specific examples and use cases, please refer to:
    - o Use Case 2: Traditional Classroom use of Text
    - o Use Case 4: Traditional Classroom use of Images and Graphics
    - o Use Case 6: Traditional Classroom use of Audio and Video
  - See this section 110 of the law for details, exceptions, & specific requirements:  
[http://straylight.law.cornell.edu/uscode/html/uscode17/usc\\_sec\\_17\\_00000110----000-.html](http://straylight.law.cornell.edu/uscode/html/uscode17/usc_sec_17_00000110----000-.html)
2. Is it better to stream music or videos or place a copy of the CD in the library?
  - Streaming audio and video is more analogous to display and presentation than downloading, therefore the Teach Act guidelines would apply. [See Section VI, Use Case #5.](#)
  - [See Library Reserve guidelines](#) for checkout of CD or DVD materials
3. If a work is copyrighted, can I still stream it to my class?
  - Yes, either under [Fair Use](#) or [Teach Act Guidelines](#)
4. I show a video in my class that I get from the library. How can I make it available to students in online class?
  - See Teach Act Toolkit, Question #6 – Faculty Content, and see answer #1 for guidelines
  - **If:** No digital version is available, or the digital version is technologically protected
    - o **Then:** Call IT or the FRC. If it is in DVD format have IT place it on the streaming server, limit access through Blackboard to a set period of time.
    - o **Then:** If it is in VHS format, have IT digitize it into segments.
5. I have a VHS tape that I use, but it is now out on DVD. Can I have IT convert my VHS to digital files, so that I can use the streaming server?
  - No, you must purchase a digitized copy, if available.
6. If I place copyrighted materials into resources that students can only access via BlackBoard (with password protection), can I make them freely accessible to my students?
  - Must comply with Fair Use, Teach Act & other appropriate Copyright Act Legislation
7. Can I place links to copyrighted materials on my web pages without permission?
  - Best to attribute the source
  - Web sites are prone to change. Check links regularly.
8. Some books I use come with PowerPoint slides. Can I distribute them to students?
  - Depends on publisher's license agreement – but will likely need permission
  - Show, not distribution
  - Student's can't download

9. Some books I've used in the past that are now out of print included resources such as PowerPoint slides and postscript files with chapter figures. Can I use these resources in class and distribute them to my students?
  - Publishers may want to retain copyright for publication of anthologies, etc., therefore, see license agreement and/or contact the publisher

### **When to request permission**

1. Do academic coursepacks require copyright permission?
  - Yes, subject to Fair Use guidelines
2. Do academic electronic coursepacks require copyright permission?
  - Yes, subject to Fair Use guidelines (and not covered by TEACH)
3. Do academic e-reserves require copyright permission?
  - Yes, subject to library reserve guidelines
4. What kind of copyright notice should I put in my syllabus?
  - Will need to define a "template" that cites USC 17 Copyright restrictions
5. What kind of copyright notice should I put on Blackboard for electronic files or streaming video?
  - Will need to define a "template" that cites USC 17 Copyright legislation
6. Where, when, and how do I obtain permission to use a video?
  - See Distribution of copyrighted works, answer #1
  - Contact copyright holder, typically publisher
7. Where, when, and how do I obtain permission to copy a file?
  - See Distribution of copyrighted works, answer #1
  - Contact copyright holder, typically publisher
  - If work is text, contact the Copyright Clearinghouse Center ([www.copyright.com](http://www.copyright.com))
8. If a video is in the library, may I show it in class?
  - This use likely constitutes "display/performance of a work" and therefore fall under Fair use guidelines
9. If I use materials from public domain web sites (images, video clips, applets) on my web pages and PowerPoint slides, can I make these resources available to others, or must they go to the source to get them?
  - Material in the public domain can be directly incorporated as teaching resources
  - What is public domain?
    - i. Unpublished works : life of author + 70 years
    - ii. Any government publication
    - iii. Any work published prior to 1923
    - iv. Public domain "definition" is complex. See [http://www.copyright.cornell.edu/training/Hirtle\\_Public\\_Domain.htm](http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm) for a complete guide

### **Process at SEU**

1. If I am unsure about fair use and copyright, who should I contact?
  - Contact the copyright holder or due course: Library, Copy Center, or Bookstore, depending on your use
2. Is some office assigned the task of obtaining copyright permissions?
  - No. This process is distributed among university areas.

3. If I have permission to use copyrighted materials, where should such permissions should be filed?
  - The individual is responsible for keeping permissions obtained. However, copies of permissions, depending on their use, are required by the Library, Copy Center, or Bookstore.

**Other**

1. If I create my own web site and materials for my class, does SEU own the content?
  - See the SEU Intellectual Property policy

## VI. Copyright Use-Cases

### Use Case 1: Online delivery of text

- I. Typical Uses
  - a. Posting newspaper clippings
  - b. Posting journal articles, book chapters
  - c. Posting text-based materials (e.g. Blackboard, PowerPoint, web sites, etc.)
  
- II. Guidelines of use
  - a. Faculty members hold the copyright to all self-constructed lecture materials
  - b. Scanning/digitizing analog works only when material is, "used solely for authorized transmissions, and when a digital version of a work is unavailable or protected by technological measures" (IV.a.i)
  - c. Use of text materials "in a manner analogous to performances and displays in live classroom settings" (IV.f.i)
  - d. Scanning and distribution of text materials in a manner consistent with Fair Use statutes & e-reserve guidelines (IV.b.i, IV.g.i)
    - i. Reproduction of text material for the same class and faculty member beyond 1 semester require permission
  - e. Delivery of "reasonable and limited" portions of text within a "class session" is allowed, assuming:
    - i. Use in an SEU educational setting
    - ii. Limited access to enrolled students
    - iii. Use of technology that limits the ability to easily copy material
    - iv. Copyright notice is given to students
    - v. Access to the material is removed past the "class session"
    - vi. Intention to "show", and not to distribute copyrighted content
  
- III. Prohibitions (examples only)
  - a. "Textbooks or other digital content provided under license from the author, publisher, aggregator or other entity" (IV.a.i)
  - b. Physical distribution of copyrighted materials (i.e. no course packs)
  - c. Copyrighted content made available to students for the entire semester
  
- IV. References
  - a. Campus Guide to Copyright Compliance:
    - i. <http://www.copyrightoncampus.com/basics/teach.asp>
  - b. Fair Use Guidelines for Electronic Reserve Systems @ UT
    - i. <http://www.utsystem.edu/ogc/IntellectualProperty/rsrvguid.htm>
  - c. American Library Association:
    - i. <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanceed/teachfaq.htm>
  - d. Teach Act – Best practices Using Blackboard
    - i. <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanceed/teachactbest.htm>
  - e. TEACH Act: (Summarized by the University of Texas)
    - i. <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm#actsummary>
  - f. NCSU's Teach Act Glossary
    - i. <http://www.lib.ncsu.edu/scc/legislative/teachkit/glossary.html>
  - g. SEU Copy Center
    - ii. [http://www.stedwards.edu/auxservices/copyright\\_policy.htm](http://www.stedwards.edu/auxservices/copyright_policy.htm)

## Use Case 2: Traditional use of text

- I. Typical Uses
  - a. Display of newspaper clippings
  - b. Display of journal articles and book chapters
  - c. Distribution of journal articles and book chapters
  
- II. Guidelines of use
  - a. Faculty members hold the copyright to all self-constructed lecture materials
  - b. Display of text materials to support in-class lectures
  - c. Reproduction (photocopying, scanning, etc) and distribution of text materials in a manner consistent with Fair Use statutes & e-reserve guidelines
    - i. Reproduction of text materials for the same class and faculty member beyond 1 semester require copyright permission
    - ii. Use of systems such as Blackboard do not change this requirement
  
- III. Prohibitions (examples only)
  - a. Physical distribution of copyrighted materials (i.e. no course packs without permission)
  - b. Copyrighted content originally displayed in class that is made available to students for the entire semester
  
- IV. References
  - a. Copyright Clearance Center (CCC) – Guide to Fair Use
    - i. <http://www.copyrightoncampus.com/basics/fairuse.asp>
  - b. CCC's Campus Guide to Copyright Compliance:
    - i. <http://www.copyrightoncampus.com/basics/teach.asp>
  - c. UT's Crash Course in Copyright
    - i. <http://www.utsystem.edu/ogc/IntellectualProperty/copypol2.htm>
  - d. Fair Use Guidelines for Electronic Reserve Systems @ UT
    - i. <http://www.utsystem.edu/ogc/IntellectualProperty/rsrvguid.htm>
  - e. Teach Act – Best practices Using Blackboard
    - i. <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanced/teachactbest.htm>

### Use Case 3: Online delivery of images and graphics

- II. Typical Uses
  - a. Posting cartoons
  - b. Posting photographs, illustrations, & instructional graphics
  - c. Multimedia-delivery of materials (e.g. via Blackboard, PowerPoint, web sites, etc.)
  
- III. Guidelines of use
  - a. Faculty members hold the copyright to all self-constructed lecture materials
  - b. Scanning/digitizing analog works only when material is, "used solely for authorized transmissions, and when a digital version of a work is unavailable or protected by technological measures"(IV.a.i)
  - c. Use of graphic materials "in a manner analogous to performances and displays in live classroom settings" (IV.f.i)
  - d. Scanning/digitizing images and graphics in a manner consistent with Fair Use statutes
  - e. Delivery of "reasonable and limited" amounts of images within a "class session" is allowed, assuming:
    - i. Use in an SEU educational setting
    - ii. Limited access to enrolled students
    - iii. Use of technology that limits the ability to easily copy material
    - iv. Copyright notice is given to students
    - v. Access to the material is removed past the "class session"
    - vi. Intention to "show", and not to distribute copyrighted content
  
- IV. Prohibitions (examples only)
  - a. "Textbooks or other digital content provided under license from the author, publisher, aggregator or other entity" (IV.a.i)
  - b. Physical distribution of copyrighted materials (i.e. no continuous posting of copyrighted photos)
  - c. Copyrighted content made available to students for the entire semester
  
- V. References
  - a. Campus Guide to Copyright Compliance:
    - i. <http://www.copyrightoncampus.com/basics/teach.asp>
  - b. Fair Use Guidelines for Electronic Reserve Systems @ UT
    - i. <http://www.utsystem.edu/ogc/IntellectualProperty/rsrvguid.htm>
  - c. American Library Association:
    - i. <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanced/teachfaq.htm>
  - d. Teach Act – Best practices Using Blackboard
    - i. <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanced/teachactbest.htm>
  - e. TEACH Act: (Summarized by the University of Texas)
    - i. <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm#actsummary>
  - f. NCSU's Teach Act Glossary
    - i. <http://www.lib.ncsu.edu/scc/legislative/teachkit/glossary.html>

## Use Case 4: Traditional use of images and graphics

- I. Typical Uses
  - a. Display of cartoons
  - b. Display of photographs, illustrations, & instructional graphics
  - c. Multimedia-delivery of materials (e.g. via Blackboard, PowerPoint, web sites, etc.)
  
- II. Guidelines of use
  - a. Faculty members hold the copyright to all self-constructed lecture materials
  - b. Display of images and graphic materials to support in-class lectures
  - c. Reproduction (photocopying, scanning, downloading) and distribution of images and graphics in a manner consistent with Fair Use statutes & e-reserve guidelines
    - i. Reproduction of images and graphics for the same class and instructor beyond 1 semester require copyright permission
    - ii. Use of systems such as Blackboard do not change this requirement
  
- III. Prohibitions (examples only)
  - a. Physical distribution of copyrighted materials (i.e. no continuous posting of copyrighted images and graphics)
  - b. Copyrighted content originally displayed in class that is made available to students for the entire semester
  
- IV. References
  - c. Copyright Clearance Center (CCC) – Guide to Fair Use
    - ii. <http://www.copyrightoncampus.com/basics/fairuse.asp>
  - d. CCC's Campus Guide to Copyright Compliance:
    - i. <http://www.copyrightoncampus.com/basics/teach.asp>
  - e. UT's Crash Course in Copyright
    - i. <http://www.utsystem.edu/ogc/IntellectualProperty/copypol2.htm>
  - d. Fair Use Guidelines for Electronic Reserve Systems @ UT
    - i. <http://www.utsystem.edu/ogc/IntellectualProperty/rsrvguid.htm>
  - e. Teach Act – Best practices Using Blackboard
    - i. <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanceed/teachactbest.htm>

## Use Case 5: Online delivery of audio & video

- I. Typical Uses
  - a. Delivery of recorded lectures
  - b. Delivery of audio/video segments from source material
  
- II. Guidelines of use
  - a. Faculty members hold the copyright to all self-recordings of lecture materials
  - b. Use audio/video materials "in a manner analogous to performances and displays in live classroom settings" (IV.c.i)
  - c. Scanning/digitizing audio and video in a manner consistent with Fair Use statutes
  - d. Delivery of "reasonable and limited" portions of audio / video within a "class session" is allowed, assuming:
    - i. Use in an SEU educational setting
    - ii. Limited access to enrolled students
    - iii. Use of technology that limits the ability to easily copy material
    - iv. Copyright notice is given to students
    - v. Access to the material is removed past the "class session"
    - vi. Intention to "show", and not to distribute copyrighted content
  
- III. Prohibitions (examples only)
  - a. Physical distribution of copyrighted audio/video materials (e.g. giving away DVDs)
  - b. Online distribution of easily downloadable .mp3's of copyrighted content (e.g. from file sharing or related sources)
  - c. Copyrighted content made available to students for the entire semester
  
- IV. References
  - a. American Library Association
    - i. [http://www.ala.org/Template.cfm?Section=Distance\\_Education\\_and\\_the\\_TEACH\\_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939](http://www.ala.org/Template.cfm?Section=Distance_Education_and_the_TEACH_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939)
  - b. TEACH Act: (Summarized by the University of Texas)
    - i. <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm#actsummary>
  - c. NCSU's Teach Act Glossary
    - i. <http://www.lib.ncsu.edu/scc/legislative/teachkit/glossary.html>

## Use Case 6: Traditional use of audio & video

- I. Typical Uses
  - a. Performance of audio and video in class (DVD, audio cd, or other formats)
  - b. Delivery of recorded lectures as homework
  - c. Multimedia-delivery of materials (e.g. via Blackboard, PowerPoint, web sites, etc.)
  
- II. Guidelines of use
  - a. Faculty members hold the copyright to all self-recordings of lecture materials
  - b. Display of audio and video materials to support in-class lectures (all formats)
  - d. Use of media recordings (i.e. audio & video recordings, off-air broadcasts, etc.) in a manner consistent with Fair Use statutes & library copyright guidelines
  - e. Reproduction (digitizing, downloading) and distribution of audio and video in a manner consistent with Fair Use statutes & e-reserve guidelines
    - i. Distribution of audio and video content for the same class and instructor beyond 1 semester require copyright permission
    - ii. Use of systems such as Blackboard do not change this requirement
  - c. Delivery of "reasonable and limited" portions of audio / video within a "class session" is allowed, assuming:
    - i. Use in an SEU educational setting
    - ii. Limited access to enrolled students
    - iii. Use of technology that limits the ability to easily copy material
    - iv. Copyright notice is given to students
    - v. Access to the material is removed past the "class session"
    - vi. Intention to "show", and not to distribute copyrighted content
  
- III. Prohibitions (examples only)
  - a. Textbooks or other digital content provided under license from the author, publisher, aggregator or other entity.
  - b. Conversion of materials from analog to digital formats, except when the converted material is used solely for authorized transmissions and when a digital version of a work is unavailable or protected by technological measures.
  - c. Physical distribution of copyrighted audio/video materials (e.g. giving away DVDs)
  - d. Online distribution of easily downloadable .mp3's of copyrighted content (e.g. from file sharing or related sources)
  - e. Copyrighted content made available to students for the entire semester
  
- IV. References
  - a. SEU Library Copyright Guidelines – Use of Video
    - i. [http://libr.stedwards.edu/user\\_services/info\\_pages/copyright\\_av.htm](http://libr.stedwards.edu/user_services/info_pages/copyright_av.htm)
  - b. American Library Association:
    - i. [http://www.ala.org/Template.cfm?Section=Distance\\_Education\\_and\\_the\\_TEACH\\_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939](http://www.ala.org/Template.cfm?Section=Distance_Education_and_the_TEACH_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939)
  - c. TEACH Act: (Summarized by the University of Texas)
    - i. <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm#actsummary>
  - c. Copyright Clearance Center (CCC) – Guide to Fair Use
    - i. <http://www.copyrightoncampus.com/basics/fairuse.asp>
  - d. CCC's Campus Guide to Copyright Compliance:
    - i. <http://www.copyrightoncampus.com/basics/teach.asp>
  - e. UT's Crash Course in Copyright
    - i. <http://www.utsystem.edu/ogc/IntellectualProperty/copypol2.htm>
  - f. Fair Use Guidelines for Electronic Reserve Systems @ UT
    - i. <http://www.utsystem.edu/ogc/IntellectualProperty/rsrvguid.htm>
  - g. Teach Act – Best practices Using Blackboard
    - i. <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanceed/teachactbest.htm>

## VII. Sources

- U.S. Copyright Office  
<http://www.copyright.gov/laws/>
- SEU Library  
[http://libr.stedwards.edu/user\\_services/info\\_pages/copyright.htm](http://libr.stedwards.edu/user_services/info_pages/copyright.htm)
- SEU Bookstore  
<http://www.stedwards.edu/cte/resources/CoursePackets.htm>
- SEU Copy Center  
[http://www.stedwards.edu/auxservices/copyright\\_policy.htm](http://www.stedwards.edu/auxservices/copyright_policy.htm)
- UT's Crash Course in Copyright – Fair Use  
<http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm>
- UT's Crash Course in Copyright – Teach Act  
<http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>
- Campus Guide to Copyright Compliance  
<http://www.copyrightoncampus.com/>
- Copyright Clearinghouse Center  
<http://www.copyright.com/>
- American Library Association – General Copyright Information  
<http://www.ala.org/ala/washoff/WOissues/copyrightb/copyright.htm>
- ALA's Best practices using Blackboard  
<http://www.ala.org/ala/washoff/WOissues/copyrightb/distanced/teachactbest.htm>
- Legal Information Institute (Cornell Law School)  
<http://www.law.cornell.edu/>
- Copyright Information Center at Cornell  
<http://www.copyright.cornell.edu/>
- Copyright Term & the Public Domain (from Cornell)  
[http://www.copyright.cornell.edu/training/Hirtle\\_Public\\_Domain.htm](http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm)
- Fair use examples taken from the Univ. of Iowa  
<http://www.lib.uiowa.edu/access/fairuse/examples.htm>
- NCSU's Teach Act Toolkit & Checklist  
<http://www.lib.ncsu.edu/scc/legislative/teachkit/>
- Fair Use Scenarios – Copyright Management Center @ IUPUI  
<http://www.copyright.iupui.edu/fuscenarios.htm>
- Teach Act & Distance Education – Copyright Management Center @ IUPUI  
[http://www.copyright.iupui.edu/dist\\_learning.htm](http://www.copyright.iupui.edu/dist_learning.htm)
- Catholic University of America - office of general counsel

<http://counsel.cua.edu/fedlaw/Grcl.cfm>

- Minnesota State Colleges and Universities Teach Act FAQ  
[http://copyright.mnscu.edu/faqs\\_teach\\_act.htm](http://copyright.mnscu.edu/faqs_teach_act.htm)
- Board of Regents of the University System of Georgia, Office of Legal Affairs  
[http://www.usg.edu/legal/copyright/teach\\_act.phtml](http://www.usg.edu/legal/copyright/teach_act.phtml)
- Copyright Primer @ UMUC  
<http://www-apps.umuc.edu/primer/enter.php>
- Copyright & Fair Use – Stanford University Libraries  
[http://fairuse.stanford.edu/primary\\_materials/legislation/teach.html](http://fairuse.stanford.edu/primary_materials/legislation/teach.html)
- Brown University – Copyright & Fair Use  
<http://www.brown.edu/Administration/Copyright/>

## VIII. Revision History

Revision	Changes	Date Published
Version 1.0 - Original Issue		Feb 17, 2006