

COPYRIGHT FAQ

1. I read an article in a professional journal that applies to a pedagogical point that is important for my students to understand. Can I make multiple copies of this article for class tomorrow?

Yes. This is a spontaneous use of an article that is used to make a teaching point. So, you may photocopy and give each student in your class a copy of this article. By law, you must include a copyright notice on each copy.

1a. This article sparked an interesting discussion among class members. Can I use it for my class next semester?

To use this article next semester, you must receive permission from the copyright owner, as this is no longer a spontaneous use of the article. The law allows you to scan or copy an article for use during one semester. Section 107 of H.R. 2223 expressly prohibits the re-use each semester:

“Notwithstanding any of the above, the following shall be prohibited:

...

- c. Copying shall not
 - a substitute for the purchase of books, publishers’ reprints or periodicals;*
 - b be directed by higher authority;*
 - c be repeated with respect to the same item by the same teacher from term to term”**

However, if the article is available in one of the Library’s databases, you can link directly to the database article from Blackboard. Legally, you may not cut and paste an article into Blackboard as this removes the article from its original form and, according to the law, modifies the content.

1b. Can I post the .pdf of an article in Blackboard?

It is best to link directly to the article in one of Reeve’s Library databases. If you look at the .pdf of the version of an article, you will often see a copyright statement on the last page. This statement prohibits one from uploading the .pdf without first seeking copyright permission.

1c. What is the College’s process for me to obtain this copyright permission?

Similar to most other nonprofit educational institutions, it is the faculty member’s responsibility to obtain the copyright permission. This is done through contacting the author or publisher of the article. Licenses can be requested through a letter or email to the copyright owner asking for permission to use the copyrighted material. The request should include a complete explanation of the work to be used and how you will use it. It is best to do this through a letter where the owner can sign and send back a response

2. The College allows me to show a film during my on ground course. So, why can’t I stream this same video on Blackboard for students to watch outside class?

The original copyright holder has a guarantee that his/her work cannot be pirated from this showing when your students view a video in class. It is very easy to make a copy of a video that is streamed online. For this reason, the law does not allow one to duplicate and place an entire video online without first paying an institutional license fee. You may, however, make a copy of a “reasonable and limited” portion of a film to place on Blackboard. The amount you stream must be no more than is necessary to make a pedagogical point and must be less than the whole.

2a. When I’m showing a film to my class, why can’t I move to the auditorium for the larger screen and more comfortable seating?

The fair use exemption allows you to show a film only for those students registered in the course. Moving the class to an auditorium and public venue allows others to view the film and no longer meets the fair use exemption.

2b. Shouldn’t the Reeves Library automatically purchase an institutional license when they order a film for my course?

Not every video or DVD has an institutional license for Reeves to purchase. The licenses that are available run for one year and typically cost anywhere from a low of \$200 per year to a high of \$595 per year. Regretfully, this is not feasible within the constraints of an annual budget.

3c. Given all of these restrictions for viewing films, what is recommended?

The Library has a subscription to Kanopy, a video streaming service. This service allows you to stream films on and off campus and to use them in Blackboard. The service is located on the Library database page under “K”. The direct link is <http://0-moravian.kanopystreaming.com.webpac.lvlspace.org/s-homepage>

Videos in the “newly available” section are films that Moravian has licensed for the FY15 academic year. On the upper left hand corner you will find a link to <browse subjects> that will bring you to an offering of over 6,000 available films. You may use any of these films for your course.

3d. Aside from Kanopy, can I put any video file on Blackboard?


Yes. The law allows you to use 10% or 3 minutes of the video, whichever is less, on Blackboard.

4. Can I use a video from YouTube?

YouTube videos are also protected by copyright law. In May 2008, Viacom brought a \$1 billion lawsuit against YouTube for failing to protect the rights of copyright owners. For educational purposes, YouTube follows the same fair use guidelines used for other materials. It is not permissible to use YouTube as an alternative to the Library’s reserve system or paying an institutional license fee.

5. A lot of information is freely available on the web. Can I use any information that I find on the Internet in my courses?

All information published on the Internet (unless it falls under the public domain exemption) is protected by copyright law. The answer to this question is that it depends on how you are using and presenting the information. Stanford University's website, noted below, is an excellent source to determine if your proposed use of information from a website is acceptable.

Stanford University has an extensive fair use and copyright law information on their website at <http://fairuse.stanford.edu/>. At the bottom of their fair use page is the notice . This is a Creative Commons license. Out of six licenses available at the Creative Commons, this is the second most restrictive.

"This license lets others remix, retweak, and build upon your work non-commercially, and although their new works must acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms."

One should always assume that a work on the Internet is copyrighted and one should look to see if it has a Creative Commons (<http://creativecommons.org/>) license notice that will state how you can use the information. Other copyright information may also be included on a web page.

6. How can I use sheet music or recorded music in my class?

The fair use exemptions apply to using music in the classroom. Ken Schlagel has written an excellent article, "Copyright Law: What Music Teachers Need to Know," which is found on the National Association for Music Education web page: <http://musiced.nafme.org/resources/copyright-center/copyright-law-what-music-teachers-need-to-know/>

It is permissible to make copies of sheet music for your students or other printed works, provided that the excerpts are not a "performable unit." The copy should not consist of more than 10% of the entire work and only one copy can be made for each student in your course. All copies must include a copyright notice.

The following is **not** permissible:

- An anthology or compilation of sheet or recorded music for your course
- Copy from works that are intended to be used in a classroom, e.g., workbooks, exercises, standardized tests, answer sheets
- Copy sheet or recorded music for a performance without paying the appropriate fees
- Copy any materials without including a copyright notice

7. Can I record and show a television program?

Yes, you may record and show a television program provided you adhere to the following constraints:

- The recording may be made if it is used for instructional purposes
- The recording may be played once and must be related to the classroom's teaching activities

- The recording may be kept for 45 days but it must be used in the classroom during the first 10 days; after the first ten day it may only be used for evaluation purposes or to determine if it should be incorporated in to the curriculum. Copyright permission must be obtained first before it is incorporated in to the curriculum.
- The recording must be destroyed at the end of the 45 day period.