Copyright Best Practices for Online Classes

Current U.S. Copyright Law for online classes is governed by the Copyright Act and the TEACH Act, laws that are meant primarily to protect content creators and balance the interests of educators. Except for government publications, which start out in the public domain, assume that anything written, drawn, photographed, recorded or otherwise "fixed in a tangible medium" is copyrighted. Eventually, copyrighted works enter the public domain, but start with the assumption that the information you want to use is copyrighted. That means you must have *a license or permission* for anything you want to use in class or must be able to justify using it either under the ***Fair Use*** clause of the Copyright Act or the ***TEACH Act***.

Tools to help you determine if your use is acceptable and more information about copyright, Fair Use, and other intellectual property issues can be found at http://guides.lib.uiowa.edu/copyright. Contact your library liaison or Distance Education Librarian Daniel-gall@uiowa.edu (319-335-5256) for personalized advice.

The brief guides below are guidelines and best practices organized into a hierarchy of safest to riskiest.

Licensing/permission:

The legally safest option, although not the easiest, is to get (buy) permission for the things you use in class. The UI Libraries licenses many things for academic use including ebooks, databases, online articles and streaming video. Open Access publishing and Creative Commons licenses are making it easier to find useful material with the license or permission automatically granted.

Fair Use:

Section 107 of the Copyright Act governs Fair Use for educational purposes. Rather than thinking of Fair Use as a strictly defined concept, it is more accurate to consider it a set of criteria or factor that hypothetical judge or jury would use to determine if you violated someone's copyright. To determine if your use is fair, you weigh four factors. Not all factors must argue in your favor for a Fair Use determination, but need a clear weight of the factors in your favor.

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 work used in relation to the work as a whole.
4. The effect of the use on the potential market for the copyrighted work.

TEACH Act:

The Technology, Education And Copyright Harmonization Act was passed in response to changing online and video streaming technologies and the key things to remember are that unlike showing a film or handing out a piece of paper, showing a film online or posting an electronic file is considered closer to publishing something than distributing it. Eve within a closed environment like ICON, posting a copy of a film for students to watch is not the same as showing it in a classroom.

Examples by common formats:

Articles

1. **Licensed -** Link to an article in a UI database using our proxy server to allow access from off campus. Proxy server links will look like http://proxy.lib.uiow.edu/login?url... or http://purl.lib.uiowa.edu....
2. **Licensed -** Link to an article in a legitimate Open Access journal. Open Access means the copyright holders have granted a license for their material to be used.
3. **Not licensed -** Link to an article on a legitimate public website. Basically, this has nothing to do with UI or the Libraries, but you may know of legitimate organizations or researchers who make their material available for free to the public. Copyright holders still retain their rights and have made no provisions for how their material can be used. It is best to link but not copy entire works. You can still use quotes to highlight specific information like you would a printed document.
4. **Fair Use -** If reasonable after a fair use analysis, save a copy of the article as a pdf (or other un-editable file) and post it behind the password in your ICON class. Make it available only to students in the specific class only for the duration of the class.

Book Chapters

Use the least amount of the work possible to accomplish your educational goal.

1. **Licensed -** Link to a chapter or range of pages in a UI ebook using our proxy server to allow access from off campus. Proxy server links will look like http://proxy.lib.uiow.edu/login?url... or http://purl.lib.uiowa.edu.... Search for your book in InfoHawk+ or contact your liaison librarian or daniel-gall@uiowa.edu to see if an ebook is available.
2. **Licensed -** Link to an article in a legitimate Open Access ebook. Open Access means the copyright holders have granted a license for their material to be used.
3. **Not licensed -** In the unlikely event that the copyright holder makes their book available online for free, go ahead and link to it. Make sure whoever publicly posts the book actually has the right or permission to do so. Copyright holders still retain their rights and have made no provisions for how their material can be used. It is best to link but not copy entire works. You can still use quotes to highlight specific information like you would a printed document.
4. **Fair Use -** Save a copy of the chapter as a pdf (or other un-editable file) and post it behind the password in your ICON class. Make it available only to students in the specific class only for the duration of the class. Use as little of the work as possible to meet your educational goal.

Audio/visual

1. **Licensed -** Link to the video or audio in a UI database using our proxy server to allow access from off campus. Proxy server links will look like http://proxy.lib.uiow.edu/login?url... or http://purl.lib.uiowa.edu..... Some video databases, like those available through Alexander Street Video, allow you to create clips and playlists to use video more effectively.
2. **Licensed -** Get permission to rip a copy from a legally owned CD, DVD, tape, etc and host it on the library's protected server. Your library liaison or Distance Education Librarian Daniel-gall@uiowa.edu (319-335-5256) can help with this.
3. **Not licensed -** Without permission, it is illegal to circumvent anti-piracy technology on CDs, DVDs, etc. If we can do it without interfering with anti-piracy protections we can make clips to stream, but not download, within the same Fair Use determination. Make it available only to students in the specific class only for the duration of the class. Use as little of the work as possible to meet your educational goal.
4. **Not licensed –** You can link out to someone else's content that is already available to the public, such as Youtube. -"This content is not hosted by or controlled by us and might be taken down without notice." Legally, we are not violating copyright law by linking to something, but there are

ethical considerations in linking to something we know or suspect violates someone else's copyright.

Images
- Public Domains: The work is no longer protected by copyright.
- Some great public domains: Wikimedia Commons, Public Domain Pictures, Public Domain Vectors, and Unsplash.

These guidelines are not comprehensive but intended to help you make a good decision in most situations. Feel free to contact me or another UI librarian if needed.

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