

Copyrighted Materials in Online Classes

This guide is designed to assist instructors in selecting and using copyrighted materials in their online classrooms.

Basics of
Copyright

What Can I Use?

Articles and
Book Chapters

Images,
Diagrams,
Figures,
Charts

Audio

Video

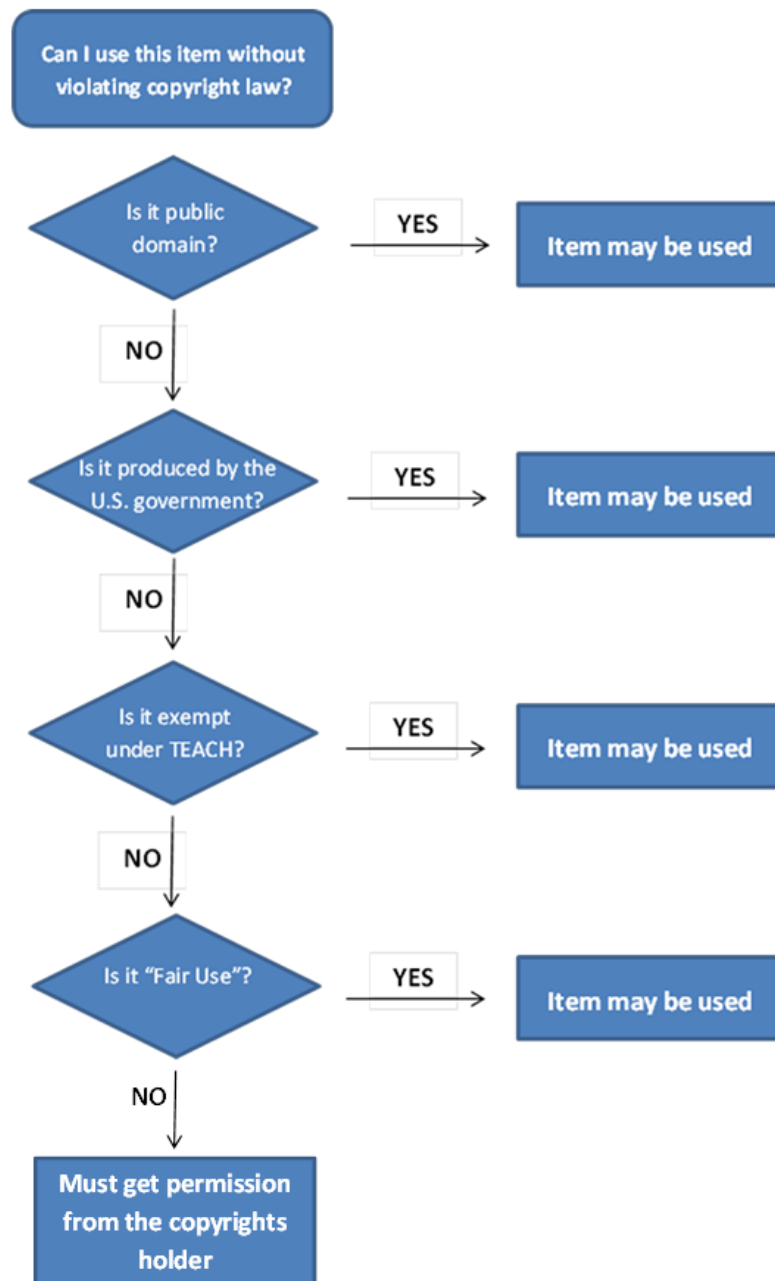
Constructing Your
Course

FAQ

Want to Know
More?

Copyright and Fair Use

US Copyright law



Need assistance?

For Blackboard assistance

website:

[Blackboard Learn Support](#)

Email:

Bbhelp@uark.edu

Phone: 479-575-6804

For Library assistance

Reference Desk

Email:

refer@uark.edu

Phone: 479-575-6645

Media copyright assistance

Email:

lennertz@uark.edu

Phone: 479-575-5514

Copyright law protects the exclusive rights of a holder to authorize others to copy, create derivative works, distribute, publicly perform, or publicly display a work. Most copyrights expire 120 years after creation. The work is considered in the public domain after that time and free to use. Works created by the federal government are not subject to copyright and are permissible. If faculty wish to use copyrighted material in an online course the use must fall under the provisions of the TEACH Act or be considered "Fair Use". If the use does not meet one of those criteria, faculty must obtain permission (written in most instances).

TEACH Act

The TEACH Act (Section 110) of the copyright law outlines provisions for online courses. If the copyright issue does not fall under provisions of the TEACH Act it may still be allowable under "Fair Use". In order to claim use under the TEACH Act, a number of obligations must be met. In order to perform or display works in an online class it must be:

- used under your supervision
- part of the class session
- part of instructional activities
- directly related to teaching content

Three additional requirements must be met.

- the online class must be restricted to enrolled students
- there must be reasonable effort to prevent students from being able to save or print the work
- there must be a general copyright warning in the course site

Fair Use

"Fair Use" describes the condition where limited use of copyrighted material is allowed without obtaining express permission from the rights holder. There are four factors when determining "fair use" of copyrighted items:

- the purpose of the use - used to teach or create something new OR used for commercial purposes
- the nature of the copyrighted work - fiction OR non-fiction
- the amount of the work used - small portion OR entire work
- the effect of the use on the market for the copyrighted work - labeled by the Supreme Court as "the single most important element of fair use"


Additional Material

Association of Research Libraries - [Know Your Copy Rights](#) Site produced by the Association of Research Libraries to make faculty members aware of copyright issues and best practices.

- "[Know Your Copy Rights - What You Can Do](#)" file may take a few moments to download
- "[Using Copyrighted Works in Your Teaching - FAQ](#)" file may take a few moments to download

University of Minnesota - [Thinking Through Fair Use](#) an analysis tool that provides a checklist for "Fair Use" considerations

Step 1 - Determining If Your Use is Fair Use


-  [University of Arkansas Fair Use Checklist](#)
Use this checklist to help determine whether your use of an article or book chapter may fall into fair use.

Use the following to help determine if your use is Fair Use:

- [Determine Copyright Coverage with the Copyright Genie](#)
- [Thinking through Fair Use - University of Minnesota](#)
- [Digital Image Rights Computator](#)

LibGuide - Copyright and Fair Use: The basics

Guide created by engineering librarian, Patricia Kirkwood.

- [Copyright and Fair Use: The Basics](#) 

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