Best Practice: U.S. Copyrights

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Internet resources can enhance your online course content. The pictures, videos, audio, and articles you find on the Internet ARE protected by copyright law just as non-digital works are, even if a website does not include a copyright notice. Therefore, you either need permission from the creator of the work, or your use must be within the limits of copyright law.

The following resources can help you begin to understand the complex topic of copyright law. Consult your institution's policies, legal resources, and library services for help with questions on specific content you want to use.

This web page and the information contained herein have been prepared by Blackboard for informational purposes only and is not legal advice. Please consult your legal advisor for any questions associated with copyright and other laws.

- Features That Help You Use Online Resources Within Copyright Law

  Mashups: The mashups tool in Blackboard Learn enables you to link to YouTube, SlideShare, or Flickr resources. The source of the resource is automatically cited with the media item. To learn more, see How to Create Mashups.

  Content Collection: The eReserves area is a folder within the Content Collection's Library that contains materials for which access must be controlled, such as documents with copyrights. To learn more, see About the Library.
Blackboard xpLor: Blackboard xpLor is a global learning object repository for rich educational materials including assessments, assignments, discussions, HTML pages, and more. It is also an authoring environment, with familiar content creation tools. It enables sharing and discovery of educational content with a rich metadata engine and also enables copyright management using the Creative Commons system. To learn more, see xpLor for Instructors and read the FAQ on Creative Commons below.

➢ Frequently Asked Questions

○ What is copyright?

The United States government states "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 Copyright covers both published and unpublished works." Source: Copyright in General by www.copyright.gov.

Copyright law resources:

- The full text of the Copyright Law of the United States
- Copyright in General by www.copyright.gov
- Frequently Asked Questions About Copyright by www.copyright.gov
- As an example of how one institution helps its faculty interpret copyright law, see the faculty guide for posting materials online by Columbia University Libraries/Information Services

○ What is the TEACH Act?

The Technology, Education, and Copyright Harmonization Act (TEACH Act) of 2002 is an amendment to the Copyright Act of 1976 that addresses online education. It is sometimes referred to as Section 110(2) of the copyright law.

TEACH Act resources:

- Section 110(2) of the copyright law
- Copyright Clearance Center's summary of the TEACH Act

○ What is fair use?

Fair use is the right of the public to reproduce portions of a copyrighted work without permission for purposes such as scholarly criticism, parody, comment, news reporting, teaching, scholarship, and research.

Fair use resources:
• **Section 107** of the Copyright Act - lists the four factors that courts use when determining whether a use of a copyrighted work is fair use
  
  • An [explanation of fair use](#) and a checklist by Columbia University Libraries/Information Services
  
  o **What is the public domain?**
  
  Public domain works have expired copyrights or were never protected by copyright law. You do not need permission to use or copy public domain works. Examples include U.S. government works, laws, and work published in the U.S. prior to 1923.

  Public domain resources:

  • Definition of public domain on [copyright.gov](#)
  • [Public Domain FAQs](#) by the Electronic Frontier Foundation

  o **What is Creative Commons?**

  Creative Commons (CC) licenses help creators of content retain copyright while allowing others to copy, distribute, and make some uses of their work. Creative Commons licensing works with copyright, not in place of it, when you want to grant certain rights in your copyrighted work. All CC licenses require users to attribute the original creator of a work.

  Creative Commons resources:

  • Watch a [video](#) to learn more about CC licenses
  • See [creativecommons.org](#) to learn more, use a license-choosing tool for your own work, or search for creative commons work

  o **Can other people use my work without permission?**

  Hopefully you would be asked permission, but others can reproduce portions of your work in certain instances, such as if it falls under the terms of fair use.

  o **How to I obtain permission to use a copyrighted work?**

  For online resources, the owner's information might be available on the website. The publisher or distributor of a work may be able to provide you with owner's contact information and possibly obtain permission for you. Let the owner know what you want to use and how. In some cases, you might need to pay the owner a fee. You can also search the United States Copyright Office’s [public catalog](#).

  o **How do I copyright my work?**
Copyright protection is automatic and begins when your work is permanently recorded. This means that you can't copyright your ideas, only the recorded product of your ideas. You are not required to include a copyright statement or register your copyright but there are advantages to doing so. Source: Copyright in General by www.copyright.gov.

If you choose to register your copyright, a public record of your copyright is established. A registered copyright is necessary if you need to take legal action.

You can also use a Creative Commons license.

- Who owns online course content that I develop?

Generally, you own the content, but you need to check to see if there are any contracts or other arrangements in place that modify your ownership rights, such as if the content is deemed to be a work made for hire. For a definition of work made for hire, see copyright.gov.

- Will the TEACH Act apply if my online course is for a business, not an educational institution?

The TEACH Act does not apply in all educational situations. For example, it does not apply if the course is NOT hosted by an accredited, non-profit educational institution. Therefore, you must use the work within the limits of the relevant license and copyright law. If using work with a Creative Commons license, be familiar with the types of CC licenses and be sure you are adhering to all provisions, including restrictions on commercial use.

- How long does copyright last?

In general, for works created in after January 1, 1978, copyright protection starts when the work is created and continues until 70 years after the death of the owner. After this point, the work falls into the public domain. Source: How long does copyright protection last? by copyright.gov.