

Copyright Owner Rights

By law, a copyright owner has specific rights to his or her work. These include the right to:

- » Reproduce
- » Perform or display publicly
- » Distribute (sale, lease, rental, gift)
- » Prepare derivative works or adaptations

These rights are transferable in whole or in part if the copyright owner chooses to do so. However, if rights are transferred this does not necessarily mean the ownership of the work (material object) is also transferred.

Consequences of Infringement

The consequences for copyright infringement may include penalties for actual and statutory damages. The extent of the penalties often will be determined by whether it is judged to be innocent or willful infringement. Other factors influencing outcome include the following:

- » Does a registration exist?
- » Is owner contact information obtainable?
- » Did the use fall under the special nonprofit education and library remission rule?

Fair Use: the moral of the story...

Under Fair Use guidelines, instructors may use a portion of a copyrighted work once in their classroom teaching during a course (Fair Use must stand the tests of brevity, spontaneity for teaching effectiveness, and avoiding cumulative effect that impacts a single work or author).

For e-learning courses, fair use under the TEACH Act applies. As a first step, always check the distributor's "terms of use" to be sure your plans comply. If you plan to use the copyrighted work more than is allowed under Fair Use, then you will need to find a new resource or secure copyright clearance.



Practice Common Courtesy

When using colleagues' work, reinforce good working relationships by communicating clearly. When considering intellectual property issues that are more related to professional ethics rather than law, try reversing positions and see how you would feel if you were in the shoes of the other party. Asking the creator of the materials for permission to copy or modify them can save a lot of upset feelings between individuals and organizations.

Specific details to facilitate your copyright request:

- When asking others for use of their intellectual property in Blackboard or other systems, stress that you will credit them in a copyright notice.
- Make it clear that you will display their property in a password-protected environment. This can sometimes tip the scales in your favor, particularly with publishers.

WE'RE HERE FOR YOU!

Office of Distance Learning and Instructional Technologies

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Copyright in Online Environments

There are a variety of legal issues that impact instructors in the classroom. The Internet and other digital technologies in education have impacted these same laws and our understanding of how they apply to teaching and learning. The following information is a guide to consider when distributing materials online.

Copyright Basics

The creator of any original work owns the copyright, and the work does not have to be registered for copyright to be effective. There also can be joint ownership for collaborators who create work together. Work also can be made for hire by an employer or person for whom the work is prepared. In this case the employer may hold the copyright. However, there is a difference between who holds the rights to contributions to a collective work versus who may hold the right to the collective work as a whole (i.e., anthology, edited volume with chapters by different authors).





What Should I Know About the TEACH Act?

As described in the previous paragraph on Fair Use, current copyright law gives educators the ability to use certain copyrighted works for educational purposes without securing permission or license. The Technology, Education & Copyright Harmonization Act (or simply TEACH Act) is intended to carry the spirit of these exemptions into the digital age, making it possible for an instructor to provide content online that would otherwise be provided in a classroom. Main points of the act include:

- Both digital and analog transmission of a work will be covered by the educational exemption from copyright law.
- Current law requires transmission of a work to be sent to a classroom or other place normally used for instruction. The TEACH Act will simply require that the transmission be made by or at the direction of an instructor as part of a class.
- To minimize the risk of copyright infringement through unauthorized distribution, digital works should be safeguarded from being copied. To the extent technologically feasible, transmissions of copyrighted works should be limited to students officially enrolled in the course.
- An educational institution must have nonprofit status in order to take advantage of the exemptions.

Secure Permission to Use Personal Contributions

When you seek permission to use personal contributions from other faculty, students, presenters or guest lecturers, make sure you request permission to display, copy, or distribute an individual's likeness, words, talent, actions, photographs, illustrations, and/or graphics.

- For what work are you seeking permission?
- Who will "own" the permission?
- Who is seeking the permission?
- What is the purpose for your seeking permission?
- Who will be granting the permission (with signature line)?
- Date of the permission signature (with signature line).

Be a Role Model for Your Students

In addition to following the legal guidelines yourself, teach your students how these issues also may apply to them. Demonstrate how to legally use others' published and unpublished materials and student contributions. Discuss the concepts of plagiarism and intellectual

property rights. Help students understand the difference between citing or showing sources in the classroom versus copying/publishing materials in print or on the Internet.

Take Advantage of Existing Options and Resources

- Does the UNT Dallas Library already own or license the material (e.g., full-text articles)?
- Do your textbook publishers already provide the material you need in an electronic format, or would they allow you to scan the material for use in an access-controlled environment online? (Contact your publisher's representative.)








- Is online distribution the best means of getting this material to your students?
- If you are using student-developed materials, do you have a release form from them to reuse their work?

Safeguard Materials for which you have permission, or for which you're claiming fair use.

- Is all the material on a password-protected site?
- Are you using conditional release features in the software to prevent guest access or access by former students?
- Are you posting the requisite copyright notice?

Post Copyright Protection Notice on Your Site

In addition to such notices as the owner of the copyright might require, recent changes in the law require a notice be posted on the course site and placed in distributed materials. We recommend you place an appropriate disclaimer in your syllabus, the Announcements section of a Blackboard course. Your statement could read like this: "Materials used in connection with the course maybe subject to copyright protection."

Traditional Copyright 	Creative Commons 	Public Domain 
Work <u>cannot</u> be used, adapted, copied, or published without the creator's permission	Work may be used <u>without</u> permission, but only under certain circumstances. ... Creators set <u>rules</u> for the way their work is used.	Work can be used, adapted, copied, and published, completely without restrictions, no permission needed.
What does it apply to?	   	What does it apply to?
All original work is protected under copyright when it's created.	What does it apply to? Only work that creators have chosen to designate as Creative Commons.	Work published prior to 1923, work by long-dead creators, and work that creators have placed in the Public Domain.