Copyright: Copyright for Instructors: http://libguides.asu.edu/copyright/copr4instruct

Subjects: General  Tags: copyright, intellectual_property, scholarly_communication

Can I Use That?

As an instructor, there are a variety of ways you can use copyrighted material for teaching without having to ask permission - the trick is discovering what exceptions to copyright are most applicable to your situation. I recommend that you review the Framework for Copyright Analysis tab to help sort out your options when deciding how you can use the resources you want in your classes. However, these are the exceptions that are most applicable for instructors.

A note: The question I am most frequently asked is whether it is acceptable to link to online library resources in your course management system (such as Blackboard). Most of the library's databases permit this – for instructions on how to create persistent links, see Linking to Library Resources. For licensing reasons, it is better to link to the article rather than uploading the PDF directly to your course site. Additionally, linking directly to the resource you need for your class helps the ASU Library know how that resource is being used, which is one of the ways we make decisions about our collection.

Sharing a link to any publicly available resource is perfectly fine. As an instructor, you should avoid linking to anything that is obviously infringing - a movie that's currently showing in theaters on YouTube, for example - so that you can avoid giving the impression that copyright infringement is acceptable.

All Teaching Environments:

Public Domain (links to University of Minnesota Libraries) - A work is in the public domain if its copyright term has expired, or if it has never been covered by copyright (such as works authored by the U.S. Government). Works in the public domain may be used for any reason by anyone since copyright does not apply.

Creative Commons - There are a wealth of resources that are distributed under Creative Commons licenses, which already grant permission for a variety of uses. Most are applicable for educational purposes. CC Search has a collection of websites where you can find Creative Commons-licensed works.

Fair Use - the Fair Use exception needs to be determined for each particular use. Review the Fair Use Tab for more information. However, the ASU Library Reserve Policy provides some guidance for common scenarios for classroom use. While these are specifically for course reserve, they would be equally applicable to other course materials.

In Person Classes Only:

Classroom Use Exemption (included in Section 110(1) of Copyright Law) - this only applies to in-person, face to face instruction in a classroom at a non-profit educational institution, and allows for the performance or display of any copyrighted work without seeking permission. Playing a DVD or CD for a class (in whole or in part), singing a song together, or holding up purchased or borrowed copies of a book or artwork would be permitted under this exemption, it does not apply to making or distributing copies or to online instruction.

Online/Distance Education Only:

TEACH Act (included in Section 110(2)) - The "Technology, Education and Copyright Harmonization" Act allows instructors to perform or display copyrighted works in distance education environments. However, there are a number of restrictions - NOTE: The TEACH Act does not apply to MOOCs or the Global Freshman Academy - see Copyright and MOOCs for more information.

Here are some useful resources specifically related to the TEACH Act:

- ASU Online's Implementation of the TEACH Act - includes a checklist (pdf)
- TEACH Act Toolkit - from the University of North Carolina - Charlotte Library

Contact:
SkySong 3, Mail Code 9509
1365 N. Scottsdale Rd., Suite 200
Scottsdale, AZ 85257
480-727-6301

Email Me

http://libguides.asu.edu/copyright/copr4instruct
Additional Teaching Resources

- Exceptions for Instructors in U.S. Copyright Law
  A tool to help you evaluate whether your intended use falls within the various exemptions in copyright for educational purposes.

- Know Your Copyrights - What You CAN Do (pdf)
  Tips for faculty & teaching assistants in higher education - created by the Association for Research Libraries

- Using Copyrighted Works in Your Teaching - FAQ
  by Peggy Hoon for the Association of Research Libraries

- Tutorial: Using Copyrighted Works

- Owning and Using Scholarship: An IP Handbook for Teachers and Researchers
  Book by Kevin J. Smith, Director of the Office of Copyright and Scholarly Communication at Duke University.

- Enabling and Developing Teaching Tools
  Columbia University Libraries' Copyright Advisory Office examines fair use in education and research, creating instructional materials and the use of film and video in a classroom. In addition, it includes an acknowledgement about MOOC production.

- You Want to Know About Copyright in Education
  This illuminating infographic identifies what material can - and cannot - be used for teaching or school purposes. The infographic also includes a section on licensing one's own media, a section on how to think about whether it might be feasible to claim fair use, and instructions for how to ethically and legally claim fair use in certain circumstances.

- University of Arizona Libraries: Fair Use and Copyright in Instruction tutorial
  Tutorial created by the University of Arizona Libraries to help instructors understand how copyright and fair use apply to teaching.