



Copyright and Blackboard

As a general rule, simply putting an item up in Blackboard does not exempt an instructor from Copyright regulations. Here is a chart for some general idea of what is ok to post.

Item	Green Light	Red Light
Web site containing copyrighted material	Link to the web site in Blackboard	Copying and pasting the content of the web site into Blackboard
Copyrighted image from a website	Put up in BB for ONE semester	Use from semester to semester without getting permission
Article from Library Database	Link to the article (see handout on getting Library Resources into Blackboard)	Download the article to your hard drive and then post in Blackboard
Scanned personal picture	Put up anywhere in BB	
Scanned copyrighted image	Put up in BB for ONE semester	Use from semester to semester without getting permission
Scanned chapter from a book	Put up in BB for ONE semester	Use from semester to semester without getting permission
Audio Files	As long as it meets other fair use and TEACH guidelines, put up in BB for limited time (10 days)	Use from semester to semester without getting permission or keep up for longer than 10 days.
Video Files	As long as it meets other fair use and TEACH guidelines, put up in BB for limited time (10 days)	Use from semester to semester without getting permission or keep up for longer than 10 days.

Portion Restrictions (Guidelines ONLY – NOT Legal Standards)

Media	Allowable Portion for Fair Use
Motion media (e.g., video)	Up to 10% or 3 minutes, whichever is less.
Text material	Up to 10% or 1000 words, whichever is less
Music, Lyrics, Music Video	Up to 10%, but no more than 30 seconds.
Illustrations, Photographs	No more than 5 images from an artist/photographer, or no more than 10% or 15 works from a published collective work.
Numerical Data Sets (e.g. databases)	Up to 10% or 2500 fields, whichever is less.

The TEACH Act

The TEACH Act was passed in 2002 in an effort to more clearly define how digital works could be used in online education. There has yet to be a final verdict as to whether the TEACH Act applies to Hybrid classes, but for now the sentiment seems to be that it does. In order to make use of the TEACH Act, however, you must abide by ALL of it's stipulations:

- ✓ My institution is a nonprofit accredited educational institution or a governmental agency
- ✓ It has a policy on the use of copyrighted materials
- ✓ It provides accurate information to faculty, students and staff about copyright
- ✓ Its systems will not interfere with technological controls within the materials I want to use
- ✓ The materials I want to use are specifically for students in my class
- ✓ Only those students will have access to the materials
- ✓ The materials will be provided at my direction during the relevant lesson
- ✓ The materials are directly related and of material assistance to my teaching content
- ✓ My class is part of the regular offerings of my institution
- ✓ I will include a notice that the materials are protected by copyright
- ✓ I will use technology that reasonably limits the students' ability to retain or further distribute the materials
- ✓ I will make the materials available to the students only for a period of time that is relevant to the context of a class session
- ✓ I will store the materials on a secure server and transmit them only as permitted by this law
- ✓ I will not make any copies other than the one I need to make the transmission
- ✓ The materials are of the proper type and amount the law authorizes:
 - Entire performances of nondramatic literary and musical works
 - Reasonable and limited parts of a dramatic literary, musical, or audiovisual works
 - Displays of other works, such as images, in amounts similar to typical displays in face-to-face teaching
- ✓ The materials are not among those the law specifically excludes from its coverage:
 - Materials specifically marketed for classroom use for digital distance education
 - Copies I know or should know are illegal
 - Textbooks, coursepacks, electronic reserves and similar materials typically purchased individually by the students for independent review outside the classroom or class session
- ✓ If I am using an analog original, I checked before digitizing it to be sure:
 - I copied only the amount that I am authorized to transmit
 - There is no digital copy of the work available except with technological protections that prevent my using it for the class in the way the statute authorizes