Stanford University Libraries Copyright Reminder

We have extracted a few of the sections that answer some of the most frequently asked questions in relationship to copyright and teaching undergraduates.

For the full text of the Stanford University Copyright & Fair Use reminder, go online:
https://fairuse.stanford.edu/

Online course readers
Creating an online course reader is an alternative to creating a physical course reader, which is usually done through the Stanford Bookstore. When considering an online course reader, keep in mind that the faculty member loading materials into the course management system is responsible for ensuring that permissions are obtained.

Coursework: The most cost-effective approach for providing access to publications within Canvas is to provide links to the material, rather than load a copy of the file into the course management tool. Linking is not copying, and thus you won’t be required to pay licensing fees for copies.

Should you decide to digitize copyrighted materials, please review Stanford Libraries’ electronic holdings to determine if a pre-existing license for the content exists. Stanford Libraries has secured licenses to tens of thousands of online works, and many others are publicly available (e.g., through Creative Commons licenses).

Some options for to access public domain content are Google Books, the Internet Archive, and HathiTrust.

Use of Web Tools in Teaching
There are many great teaching tools available online, and while collaboration tools can enhance the learning environment, it is important to ensure that any tool used in teaching is compliant with FERPA, the Federal law governing the management of student records. These tools can also raise concerns related to web security, content ownership, and confidentiality.

Third-party tools and websites may be appropriate if no comparable Stanford tool exists, but be aware that many service providers require users to sign up for an account and agree to terms of use in exchange for use of the services. Faculty should review terms of use and pay attention to:

- Content ownership concerns (e.g., are students required to give away or license their copyright interests in student-generated content?)
- Privacy concerns (e.g., can students control the distribution of their own content?; are students’ full names being disclosed?)
Content use for non-Stanford purposes (e.g., will the service provider keep a copy of the student-generated content for data-mining or other purposes?)

Faculty should notify students in the syllabus when third-party tools will be used in a course, and should also alert students to the terms of use. Faculty should work with students who are not comfortable agreeing to particular third-party terms—including, where possible, enabling a student to participate in the course without relying on the third-party tools.

Classroom use of media

The following are guidelines only, and not mandated by law, they provide a good starting point for assessing whether your use of media qualifies as Fair Use. The recommended guidelines are:

- No more than 10% or 3 minutes (whichever is less) of motion-based works;
- No more than 10% or 30 seconds (whichever is less) of a song or video;
- No more than 10% of a text; and
- Entire photographs or illustrations may be used provided that no more than 10% or 15 images (whichever is less) come from any one source.

These guidelines apply to in-class presentations that will not be posted on the public Internet. They do not apply to any presentation that is to be posted onto the Internet or sold commercially. Please let your students know that posting to the Internet even a single copyrighted image within a presentation, such as a political cartoon, may not be a fair use.

Recommended practices for online material

Request permission where needed

If an exception such as fair use or face-to-face is not clearly available, you must get permission to use a copyrighted work from the owner of the copyright holder. A request to use copyrighted material usually can be sent to the permission department of the work's publisher. Allow four to six weeks for a request to be processed. Permission requests should contain:

- Title, author and/or editor, and edition
- Exact material to be used
- Number of copies you plan to make
- Intended use of the material (e.g., educational)
- Form of distribution (e.g., hard copy to classroom, posted on Internet with password protection)
- Whether material will be sold (e.g., as part of a course reader)

Exercise caution when downloading and uploading
Be mindful of copyright when downloading material from the Internet. Please remind your students that just because a work is posted on the Internet does not mean that the owner of the copyright in it has given them permission to make copies or distribute the work to others. Note, too, that material may have been placed on the Internet without the author’s permission. Fair use principles may apply, but you need to go through a fair use assessment to decide that.

Students should know that similar concerns apply when uploading material to the Internet. It might be perfectly acceptable under the fair use doctrine to include graphs from various articles in a paper written for class; it is probably not a fair use, however, to publish those graphs to the world by posting the same paper on the Internet.

Definitions:

**Fair Use:** Fair use is a copyright principle based on the belief that the public is entitled to freely use portions of copyrighted materials for purposes of commentary and criticism. - See more at: [https://fairuse.stanford.edu/overview/fair-use/](https://fairuse.stanford.edu/overview/fair-use/)

**Copyright:** To qualify for copyright protection, a work must be “fixed in a tangible medium of expression.” - See more at: [https://fairuse.stanford.edu/overview/faqs/](https://fairuse.stanford.edu/overview/faqs/)

**Public Domain:** As a general rule, most works enter the public domain because of old age. Some works are in the public domain because the owner has indicated a desire to give them to the public without copyright protection. - See more at: [https://fairuse.stanford.edu/overview/public-domain/](https://fairuse.stanford.edu/overview/public-domain/)