Center for Instructional Design and Technology
Guidelines to Ensure “Fair Use” Of Materials Posted on Blackboard

The following are guidelines adapted from the O'Keefe Library Electronic Reserve Guidelines and are designed to guide the digitization and presentation of copyrighted materials in Blackboard online course websites.

If a digital copy of the material is to be placed in Blackboard by CIDT, please submit the material at least two weeks prior to when it will be assigned.

The best way to submit material for presentation on Blackboard is on disc or attached to an email message. The message may be sent to BlackboardSupport@sau.edu. If submitting a hard copy, please make sure it is an original or the cleanest possible copy.

If you would like Blackboard administrators to post the material to your course website, you should include an explanation of when, where, and how you would like the material to be displayed.

Links to free plug-ins needed to access .pdf and RealMedia files will be placed alongside materials posted for students’ ease of access.

All material placed on Blackboard that is not the original creation of the instructor must be judged within the context of “Fair Use”. Permission from the copyright owner must be obtained if material that does not meet “Fair Use” guidelines is to be used on Blackboard. Take note of the following excerpt from the U.S. copyright law when determining whether material falls under “Fair Use”. 17 USCS Sect. 107. Limits on exclusive rights: fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include -

1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2) the nature of the copyrighted work;
3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

Access to all materials on Blackboard is password-protected, and is limited to those students who are enrolled in the class for which the materials are posted, instructor(s) teaching the class, and technical support personnel maintaining the system.
Readings used in one semester cannot be placed back into a Blackboard course without first obtaining permission from the copyright owner.

Types of material for which copyright permission MUST be obtained before they can be placed on Blackboard:
1) articles from journals that will be used for more than one semester
2) multiple articles from one journal issue
3) one chapter from a book that will be used for more than one semester
4) multiple chapters from one book

Types of material that will be placed on Blackboard and do NOT require obtaining copyright permission:
1) exams
2) lecture notes
3) student papers - with student permission
4) government publications
5) materials that have passed beyond the time limits of copyright
6) one article from a journal issue
7) one chapter from a book

Blackboard administrators have posted the following copyright warning for students viewing materials placed online:
The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, online course delivery systems are authorized to furnish a digital copy. One of these specified conditions is that the reproduction is not to be used for any purpose other than private study, scholarship, or research. If electronic transmission of copyrighted material is used for purposes in excess of what constitutes “fair use”, the user may be liable for copyright infringement.

Guidelines for creating digital copies of multimedia elements for “Fair Use”, without obtaining copyright holder’s permission:

<table>
<thead>
<tr>
<th>Media</th>
<th>Length or Amount</th>
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</thead>
<tbody>
<tr>
<td>Video</td>
<td>10% or 3 minutes, whichever is less</td>
</tr>
<tr>
<td>Audio</td>
<td>10% or 30 seconds, whichever is less</td>
</tr>
<tr>
<td>Art or Photography</td>
<td>5 images per artist; 15 works or 10% from a collection, whichever is less</td>
</tr>
<tr>
<td>Data Sets</td>
<td>10% or 2500 fields, whichever is less</td>
</tr>
<tr>
<td>Text</td>
<td>10% or 1000 words from a work of prose, whichever is less; No more than one article, essay, chapter, or two excerpts may be copied at the same time from the same collective work or periodical volume during one class term (unless the book is on back-order at the bookstore, then up to three may be allowed); Not more than one journal or newspaper article from the same volume One chart, graph, diagram, drawing, cartoon or picture per book or per journal issue.</td>
</tr>
</tbody>
</table>

To read the full-text version of recent U.S. Copyright Laws, you may go to: [http://www.loc.gov/copyright/title17/](http://www.loc.gov/copyright/title17/)