



# Things to Consider: Using Copyrighted Materials in Blackboard

The use of copyrighted materials in education is governed by two aspects of U.S. Copyright Law: Fair Use and the TEACH Act. Fair Use allows the use of some materials (or portions of those materials) for teaching purposes. Fair Use depends on four factors: the purpose and character of the use; the nature of the work; the amount of the work used in relation to the entire work; and the effect on the potential market for the work. The TEACH Act, which applies to distance education, allows the use of portions of copyrighted works in digital format in an amount comparable to what would be shown in a classroom session.

The use of copyrighted materials for teaching purposes is determined on a case-by-case basis; interpretation of Fair Use and the TEACH Act varies widely. The suggestions below, which apply specifically to the use of copyrighted materials in Blackboard, will help you use materials in a way that is consistent with copyright law:

- When possible, link to resources in the library databases instead of making copies of the materials. For more information, see Integrating Library Resources in Blackboard at <http://library.hunter.cuny.edu/services/Instructionalresourcesblackboard>.
- Copyrighted materials should be accessible only to class members; do not place copyrighted materials in Blackboard content areas that are open to guest access.
- Make copyrighted materials available only for a limited period of time by editing the availability dates in Blackboard and/or making the course unavailable after the end of the semester.
- Credit the original author of copyrighted materials.
- Remind students not to copy/redistribute copyright protected materials.
- When linking to external web sites, check the box to open the item in a new window so that the URL for the linked site is displayed and ownership of the site is made clear.

## Additional Resources on Copyright and Blackboard

Hunter guidelines for working with copyrighted materials: <http://library.hunter.cuny.edu/services/faculty/copyright-information>

CUNY copyright guidelines: <http://www.cuny.edu/libraries/services/copyright.html>

Columbia University copyright guidelines: <http://copyright.columbia.edu/copyright/> and guidelines for posting course materials online: <http://copyright.columbia.edu/copyright/fair-use/practical-applications/posting-course-materials-online/>

Stanford University, Measuring Fair Use: The Four Factors  
[http://fairuse.stanford.edu/Copyright and Fair Use Overview/chapter9/9-b.html](http://fairuse.stanford.edu/Copyright%20and%20Fair%20Use%20Overview/chapter9/9-b.html)

University of Minnesota, Scenarios of Fair Use: <http://blog.lib.umn.edu/copyinfo/scenarios>

American Library Association,  
- Distance Education & the TEACH Act: <http://www.ala.org/ala/issuesadvocacy/copyright/teachact/index.cfm>  
- TEACH Act Best Practices using Blackboard:  
<http://www.ala.org/Template.cfm?Section=distanceed&Template=/ContentManagement/ContentDisplay.cfm&ContentID=34705>

Baruch's guide to using copyrighted media in courses: <http://www.baruch.cuny.edu/tutorials/copyright/>