Copyright info for online teaching

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# Rapidly shifting your course from in-person to online

There are a lot of pedagogical and technical issues that make the shift from in-person to online teaching challenging, but for once, **copyright is not a big *additional* area of worry**! Most of the legal issues are the same in both contexts. If it was okay to do in class, it is often okay to do online, especially when your online access is limited to the same enrolled students.

# Recording video of yourself, live-casting lectures, etc.

## Slide Images

**If it was legal to show slide images in class, it is likely legal to show them to students via live video conferencing or in recorded videos.**  This may be a surprise if you have heard that there is a big difference between class lecture slides and online conference slides - but the issue is usually less offline versus online, than a restricted versus an unrestricted audience. As long as your new course video is being shared through course websites limited to the same enrolled students, the legal issues are fairly similar.

Many instructors routinely post a copy of their slides as a file for students to access after in-person course meetings, which also likely doesn't present any new issues after online course meetings.

## In-lecture use of audio or video

Here, the differences between online and in-person teaching can be a bit more complex. Playing audio or video off of physical media during an in-person class session is 100% legal at the University of Minnesota under a provision of copyright law called the "Classroom Use Exemption". However, that exemption doesn't cover playing the same media online.

If you can limit audio and video use for your course to relatively brief clips, you may be able to include those in lecture recordings or live-casts under the copyright provision called [fair use](https://www.gvsu.edu/library/sc/what-is-fair-use-8.htm). For media use longer than brief clips, you may need to have students independently access the content outside of your lecture videos. Some further options are outlined below.

## Where to post your videos

There may be some practical differences in outcomes depending on where you post new course videos - on the University's [Panopto platform](https://www.gvsu.edu/elearn/help/panopto-68.htm) it is easy to control access for individual videos, and to connect to your course in Blackboard. Consider making videos available through Panopto for as long as necessary, but no longer. If the video is available only during the period of time that students need to view it, you can strengthen your case for fair use.

You also can post video to YouTube via your GVSU Google account, and the same basic legal provisions apply even on YouTube. However, it is more likely that videos posted on YouTube may encounter some automated copyright enforcement, such as a takedown notice, or disabling of included audio or video content. These automated enforcement tools are often -incorrect- when they flag audio, video, or images included in instructional videos, but restoring the content can take time. If you encounter something like this that you believe to be in error, you can contact ruenm@gvsu.edu for assistance with YouTube’s copyright tools.

# Course readings and other resources

Hopefully, by mid-semester, your students have already gotten access to all assigned reading materials. The [Libraries' Course Reserves](https://www.gvsu.edu/library/course-reserve-help-12.htm) team can help with getting material into electronic reserve, including subscription resources and ebooks. Your [Liaison Librarian](https://gvsu.edu/library/librarians) can also assist in embedding library content or research support in Blackboard.

If you want to share additional materials with students yourself as you revise instructional plans, or if you want students to share more resources with each other in an online discussion board, keep in mind some simple guidelines:

## It's always easiest to link!

Linking to publicly available online content like news websites, existing online videos, etc is rarely a copyright issue. (Better not to link to existing content that looks obviously infringing itself – a YouTube video of the entire "Black Panther" movie is probably not a good thing to link to. But someone’s 2-minute video of herself and her best friend talking over a few of the pivotal scenes may be fair use, and is not something you should worry about linking to.)

Linking to subscription content through the Libraries is also a great option. When linking to library content, please remember to use our [Link Fixer tool](https://www.gvsu.edu/library/link-to-library-resources-80.htm) to ensure that off-campus users can easily and directly access subscription materials.

## Sharing copies

Making copies of new materials for students (by downloading and uploading files, or by scanning from physical documents) can present some copyright issues, but they're not different from those involved in deciding whether to share something online with your students when you are meeting in-person. It's better not to  make copies of entire works - but most instructors don't do that! **Copying portions of works to share with students will often be** [**fair use**](https://www.gvsu.edu/library/sc/what-is-fair-use-8.htm), and at times (especially in unusual circumstances, or with works that aren't otherwise commercially available) it may even be fair use to make lengthier copies. See below for more on fair use.

Where an instructor doesn't feel comfortable relying on fair use, a [Liaison Librarian](https://www.gvsu.edu/library/librarians) may be able to suggest alternative content that is already online through library subscriptions, or publicly online content. Seeking formal permission is always an option, but there may be some issues with getting permissions on short timelines.

## Multimedia viewing/listening

Showing an entire movie or film or musical work online may be a bit more of an issue than playing it in class - but there may be options for your students to access it independently online. The Libraries already have quite a bit of [licensed streaming video content](https://www.gvsu.edu/library/find-videos-41.htm), which you are welcome to use in your online course and link in Blackboard.

In some cases, commercial streaming options like Netflix, Amazon, Hulu, and Disney+ may sometimes be the easiest or only option for students. However, please remember that your students may not have subscriptions to these services or the means to easily subscribe.

If you want to include a portion of a video or audio work in your online class, and you have a physical copy of the work, we may be able to include it in e-reserves. Contact your [Liaison Librarian](https://www.gvsu.edu/library/librarians) to learn more.

Where there are no other options, fair use may sometimes extend to playback of an entire work, but again, that will generally only be true for unusual outliers.

# Fair Use for Online Teaching

*Use fairly. Not too much. Have reasons.[[1]](#footnote-1)*

Fair use is inherently subjective, contextual, and individual. It is your right and responsibility as an instructor to make your own decisions about when it is fair use to make and share copies with students. The Libraries can, however, provide information and resources which can help you make informed, reasonable decisions on these issues. To learn more or for questions, contact Matt Ruen, Scholarly Communications librarian, at ruenm@gvsu.edu.

A fair use decision is a balancing act based on 4 factors: the purpose of your use, the nature of the work you’re using, whether you are using an appropriate and necessary amount, and what impact your use might have on the market for the work. [The GVSU Fair Use Checklist](https://www.gvsu.edu/cms4/asset/5C51F9AC-C8B1-A6F3-C4C71E7F2A2EC1E9/fair_use_checklist.pdf) will walk you through an analysis, and more information can be found on the library’s [fair use webpage](https://www.gvsu.edu/library/sc/what-is-fair-use-8.htm).

Recommended practices with fair use:

* Record your fair use decision as evidence of a good-faith analysis.
* Use only what you definitely need for your pedagogical purpose.
* Limit access: post the work in Blackboard, remove it when it is no longer needed.

# Ownership of online course materials

In general, the university is most concerned about intellectual property ownership of material that could be commercialized or patented. Aside from the syllabus for a course, instructional materials are considered to be owned by the creators. Matters do become more complicated with patentable inventions/discoveries or content that is likely to be commercialized, but if that applies to you you’re probably already aware.

[Grand Valley State University’s Intellectual Property policy (BOT 4.1.10.2)](https://www.gvsu.edu/policies/policy.htm?policyId=7D843ECD-CF7B-B6B7-4D6440CABB997BD0) states that faculty members and instructors own the intellectual property they create, which includes instructional content. The university retains a non-exclusive right to use anything created with university resources, but only within the university.

# More Questions? Need help?

Contact ruenm@gvsu.edu for further information or assistance. The Libraries’ copyright guide has even more detail and links to useful resources: <https://www.gvsu.edu/library/copyright>

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1. Fair use summarized by Brandon Butler, Lawyer, librarian, and copyright expert at the University of Virginia, 2016. [↑](#footnote-ref-1)