Using Copyrighted Materials in Canvas

The University of Denver is committed to providing access to educational resources with as few restrictions as possible, while recognizing the need to respect the intellectual property rights of content creators. Unfortunately, it may be difficult at times to know how to accomplish both of these aims and to feel confident that we're abiding by copyright law.

The following recommendations are based on work done by a body of stakeholders* drawn from across the US and charged with creating a set of guidelines for the fair use of electronic resources by nonprofit educational institutions. While they do not carry the weight of law, these guidelines were negotiated specifically to address Section 107 of the Copyright Act which sets forth the conditions of Fair Use.

Please note:

- The easiest/most accessible/least expensive/environmentally friendly way to distribute course materials is by using the Canvas learning management system. For these reasons, this document does not cover Fair Use for printing hardcopy materials.

- The guidelines below apply only to materials for which an instructor does not hold the copyright or does not already have written permission to use.

- All recommendations assume the use of legally-obtained resources.

- *These statements are not legal advice* and are intended simply to help instructors follow best practices in their course design.

Want to avoid copyright concerns?

- Use videos that are licensed by the DU Library for online streaming or explore the NBCLearn video library, built into the Canvas environment.

- Look for resources that have been licensed through Creative Commons. (See the Creative Commons website for information about works that have been made publicly available by their creators.) These materials require attribution but are otherwise made freely available and in some cases allow modification of the original.

- Link to or embed images from the DU Library's image databases. Also, DU's Visual Media Center (School of Art and Art History) maintains a list of publicly-available image collections, some of which may also allow image downloads. Refer to the DU Library's guide for citing images for examples of how to provide attributions appropriately. For more information about incorporating images in your teaching check out OTL's Using Images for Instruction page.

See the Copyright Crash Course (U of Texas) for more information or read relevant portions of the law.

Still not sure if your plans fall under Fair Use? DU Library's Course Reserves can help!

*Educational Multimedia Fair Use Guidelines Development Committee, National Information Infrastructure initiative (1996)

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Do This	Not That
In general:	
Use the Canvas learning management system to organize your course materials and make them available to students. This relieves you of the responsibility of ensuring that appropriate security and authentication measures are in place for access to restricted content	Do not post copyrighted materials on a website that can be viewed by someone not enrolled in the course. Even if the site is password-protected, you may be at risk of a copyright violation.
You may provide access to copyrighted materials only to students registered for the course and other instructional staff (teaching assistants or guest lecturers, for example). Students may have access to these materials throughout the academic term.	Do not allow individuals who are not enrolled in the course to have access to copyrighted materials, including other DU students. Instructional staff (teaching assistants or guest lecturers, for example) should have a direct affiliation with the course. Do not extend student access beyond the end of the academic term.
Fair Use guidelines stipulate that copyrighted works may be used "in support of curriculum-based instructional activity." This can be demonstrated most clearly if the resources are included within course modules that integrate associated readings, discussion questions, assignments, and related materials.	Do not provide access to copyrighted materials if they aren't justifiably in support of clearly-articulated learning outcomes.
Provide attribution for both the original creator and the copyright holder (these may be different entities) when using the work of others.	Do not assume that if materials lack a copyright notice © that they needn't be cited or are in the public domain. (They do and they probably are not.)
Whenever possible, link to materials that already reside online.	Do not link to works that appear to have been posted illegally by someone else.

Do This	Not That

Documents:

Limit use of these resources to one article per journal issue and/or one chapter of a particular book. You do not need to restrict the total number of articles or book chapters (from multiple sources) used in a course, however.

Do not scan or otherwise reproduce multiple book chapters or an entire journal so that students can avoid paying for these resources.

Rather than uploading documents to Canvas, link to online resources that are available through the DU Library's extensive collection of digital resources. Typically, these items can be linked directly to your Canvas course by using the Library's Course Reserves system.

Do not upload documents that you have downloaded (or otherwise duplicated) from the DU Library's collections or from licensed subscription resources.

Video and Audio:

Identify the portion of the work that is relevant to the lesson objectives and create a clip of that segment for students to view or listen to. Use the least amount that meets the educational need.

Do not make an entire video, podcast, or audio recording available if students only need to watch/listen to part of the work.

Embed video clips in your course using the DU CourseMedia tool in Canvas or by using "embed code" links where provided.

Do not upload a video file into Canvas for students to view and/or download. Not only is this legally problematic, the file sizes will make student viewing more difficult.

Images:

Generally, you may use up to 10% of the images (e.g., charts, illustrations, or photographs) from a published work, with a maximum of 15 from that publication.

Do not assume that because an image is available online or its original is no longer protected by copyright that you can freely use a copy of that image. Although the Mona Lisa is no longer under copyright, its reproduction in a textbook probably is.

Remember that some images, such as company logos, are usually protected by trademark law, not copyright (or in rare cases, both). You may use these for educational purposes to identify a product, for example, but you should attribute them to the trademark owner.

Do not use company logos without a justifiable instructional reason to do so. Decorating your Canvas site with the Denver Broncos ™ logo, for example, is not recommended.