

Copyright Guidance for Teaching Material on Blackboard Learn

Make the process simple!

When preparing any teaching material you should start the process by talking to your Faculty Sub-Librarian who will be able to help source materials and direct you to the Library scanning service that complies with our CLA Licence and will significantly remove the risk of copyright infringement. Further information on the scanning service is available from:
<http://library.ulster.ac.uk/scanning/>

Here is a useful JISC guidance website that can assist with planning the use of images etc. in the VLE (Blackboard Learn) – ‘Roles and Responsibilities for Staff Using Images for Teaching and Research’
<http://www.jiscdigitalmedia.ac.uk/guide/roles-and-responsibilities-images-for-teaching-and-research/>

If you are uncertain about the copyright status or origin of an image, article, book chapter, audio, video etc. then please avoid using it on Blackboard until you have consulted with the Library or Copyright Officer.

Greater detail and guidance is available on the copyright website (available through the portal):
<http://www.ulster.ac.uk/copyright/uuonly/vle.html>

Who owns the copyright?

There are serious implications if your answer to this question isn't either "Me" or "The University". If you do not own the material you wish to use you **must seek written permission or licence** to use it from the copyright owner(s). It is advisable to store the statement of permission/licence along with the module in Blackboard so that it can be easily referenced if needed.

There are a couple of ways to obtain permission or licence to use material in Blackboard. If you are not the author, and do not otherwise have a right to use the material, you should seek written explicit permission (this can be in electronic format e.g. email) to use the material in Blackboard. Your Faculty Sub-Librarian can assist or speak to the Copyright Officer.

Ask early, as permission may take some time to arrange, and be very specific about the context in which you intend to use the material so that the rights holder can make an informed judgement. If you can't contact the copyright owner after a reasonable effort to find them - don't assume no response means you are free to use it. Remember that if the material you want to use must be digitised to upload it to Blackboard you should seek permission or licence to both digitise it and to use it in your module. *See details below for further information on the University's Licences.*

What about using my own/my colleagues' material?

You'll need to be certain that you still own copyright. Be aware that if you have published your material elsewhere - such as in a journal, you may have signed away (transferred) your copyright on the published (or perhaps any version) of that work. It would be useful to consider this when you next publish your work. If you are uploading the work of a colleague within the University remember at the very least it is a courtesy to ask permission to use the material.

You are strongly encouraged to include: "© University of Ulster" and your name as author(s) on all the material you personally author for inclusion in Blackboard.

Fair Dealing

In the UK fair dealing rights allow you to reproduce a limited amount of information without infringing the author's copyright. Fair dealing does not extend a generalised right to use material for teaching purposes.

Who can use material I upload?

It will depend on the permission you have been given for the material you upload either through using the Library's scanning service or by obtaining explicit written permission from the copyright owner. In general you will need to ensure that any copyrighted materials you have permission to use for teaching are only available to those users who are enrolled on your module i.e. through Blackboard. Tools within Blackboard will allow you to add and remove guest access appropriately within your module content area.

Printed Material

Can I upload a copy of an article I've had published in an academic journal?

You may not own the copyright. You will need to check the conditions of the Journal you published in to see whether you signed away your copyright at the time of publication. You may find that you still own pre-print copyright on material you submitted for publication, and could use that instead.

Can I upload an article to Blackboard from an electronic journal in the Library catalogue?

You will have to check the licence conditions for the publisher – in general you will find most publishers do not allow their content to be used in this way. Always check the usage conditions for the journal. Other material can be digitised under the CLA Higher Education licence, however you cannot do this yourself: you must contact your Faculty Sub-Librarian.

Can I embed an Athens protected PDF article in Blackboard?

No*. You should direct students to the appropriate Athens protected resource rather than downloading the document and embedding it within your Blackboard module or course area. Athens licensing is on a per-user account with authentication at point of delivery.

You should also monitor discussion forums in Blackboard, when used; to ensure that students do not distribute Athens protected resources to each other.

** while you cannot upload copyright PDFs, you are usually allowed to add a hyperlink to an Athens protected e-journal article within Blackboard where there is a unique DOI.*

Images

Can I use old images?

Basic copyright on images generally lasts for 70 years after the death of the artist/photographer. You must have the permission of the copyright owner to use them. Note some images are also registered as Trademarks, even though they may be very old. There are websites available which provide access to copyright free images. Take the time to speak with your Faculty Sub-Librarian or Copyright Officer before using any images.

Can I upload images I've found on the internet?

No, not unless you have the permission of the copyright owner to do so. Sometimes websites will have a statement of permitted use, normally under the 'terms of use' or 'copyright statement' for the website. If this is the case ensure you understand the permissions granted with the licences. When in doubt, you can always link to the image and provide attribution. Also be aware that

some sites are hosting infringing images (no permission granted) but should make this clear in their statement and these should not be used.

Can I use clipart images in Blackboard?

You can use Microsoft Clipart images in the VLE as these are covered by the Microsoft Campus Agreement, however be very careful using any other clipart libraries you may have access to, as many authorise only 'personal' use.

Video and film

Can I use BBC TV recordings on the Blackboard?

The University holds an Educational Recording Agency ERA+ licence which permits recording from the following providers:

- BBC television and radio
- ITV Network services (including ITV2 and ITV3)
- Channel Four, E4, More 4 and Film 4
- Five television
- S4C

You need to ensure though that the television program you intend to use is not from an excluded category. Large video files should not be stored in the Blackboard system.

Can I upload recorded content from 'on demand' services?

No, while the University's ERA licence covers broadcasts 'on demand' services are not considered broadcasts under the terms of the licence and are excluded.

Can I upload clips from feature films on DVD/Video

No, not without permission from the copyright owner.

Can I use old TV footage?

Provided the programme was broadcast more than 50 years ago - copyright on broadcasts ceases after 50 years.

Can I embed video from services such as YouTube.

Yes, ideally by providing a link to it, but do not assume the video has been posted with permission on the YouTube site. If you know or suspect the item is obviously copyright protected and improperly uploaded - err on the side of caution before linking to it. It is also worth checking if the clip is using audio that may be copyright protected, i.e. recorded music backing track.

Audio Recordings

Can I use BBC Radio recordings on the Blackboard?

The University holds an Educational Recording Agency 'ERA+' licence which permits recording from BBC Radio.

Can I upload recorded content from BBC listen again service?

No, while the University's ERA licence covers broadcasts, BBC radio, 'on demand' services are not considered broadcasts under the terms of the licence and are excluded.

Can I digitise and upload copies of records/tapes/CDs?

No, there is no right in the UK format shift media, such as from CD to mp3. You'll need to seek permission from the publisher/copyright holder as with any other copyright resource.

Can I use old radio recordings?

Yes, provided the programme was broadcast more than 50 years ago - copyright on broadcasts ceases after 50 years.

Licences

Licencing is another way to use material legally. The University holds a number of licences and offers services through the Library to support the digitisation of copyright teaching material. Contact your Faculty Sub-Librarian for assistance. There is no over-arching licence to use material for teaching purposes in your module materials.

ERA+ Licence

The Copyright, Designs and Patents Act 1988 prohibits recording of off-air broadcasts ('Recording for the purposes of time shifting' is permitted use). However the University holds the ERA+ (Educational Recording Agency) licence. The ERA+ licence permits recording from:

- BBC television and radio
- ITV Network services (including ITV2 and ITV3)
- Channel Four, E4, More 4 and Film 4
- Five television
- S4C

The ERA+ license permits viewing of material on campus and off campus. All material should be clearly credited and recordings can be made by any member of staff.

CLA Higher Education Licence (specific detail in appendix 1)

The CLA Licence permits you to use scanned and copied material (e.g. journal articles, book chapters etc.) in a controlled way through making it available in the course area on Blackboard. This licence allows staff to have extracts of printed material scanned for uploading into Blackboard, however several restrictions apply:

- The source material must be included in the Licence. You can use CLA's Check Permissions tool at www.cla.co.uk to check.
- You can only copy one chapter from a book, one article from an issue of a journal or magazine or 10% of the whole (whichever is the greater).
- The University must own an original copy of the article or a copyright fee paid copy of the extract. Generally this means the Library should hold a copy and does not apply to your own personal copies.
- The material can only be accessible to University Staff and Students (you cannot store it on a publicly accessible site/server).
- Only designated staff within the University can make the scanned or digital copy. Currently only Library staff can make the copy and all copies are documented and reported to the CLA under the terms of our Licence.
- Some material is excluded from the CLA Licence such as maps, newspapers (covered by your NLA Licence) and printed music.

Contact your Faculty Sub-Librarian if you need further information on the University's centralised scanning service.

The University holds a licence with The Copyright Licensing Agency Ltd (CLA) that, subject to terms and conditions, permits the copying and re-use of extracts of text and still images from books, journals and magazines (print and digital), and from digital publications including some free-to-view and subscription.

The purpose of the licence

- The licence is intended to broaden and enrich students' learning experience, by enabling HEIs to provide greater and easier access to copyright materials than would otherwise be possible. Two ways in which they can do this is by creating course packs and by putting reading material on VLEs.
- Any material held by an HEI and covered by the licence may be used in these ways, subject to certain limitations that are explained in the User Guidelines (please refer to section below 'How much can I copy?').
- Course packs provide a particularly valuable way of enabling students to read around a subject, providing them with greater context and depth. Course packs may include chapters from student textbooks and are likely to include a substantial proportion of material in the form of extracts from learned/research journals/monographs.
- However, this provision is not intended to be used to create course packs comprising extracts that, as a collection, cover substantively the same material as a standard textbook – even if individual extracts are within the licence limits. Depending on the nature of the course, such use would offer students a real alternative to the likelihood of otherwise buying one or more textbooks.

What can I copy?

- The Licence covers most printed books, journals and magazines published in the UK, plus many published overseas and a large number of digital publications
- You can check whether an item is covered by your CLA Licence by using the Check Permissions search tool, available at:
<http://he.cla.co.uk/check-permissions/>

How much can I copy?

Up to the following may be copied under the Licence:

- One whole chapter from a book
- One whole article from a journal issue
- One short story, poem or play (not exceeding 10 pages in length) from an anthology
- One whole scene from a play
- One whole paper from a set of conference proceedings
- One whole report of a single case from a volume of judicial proceedings

Or **10%** of the total publication, whichever is the greater

- Where a digital publication is not organised in a similar way to conventional printed items, you are advised to exercise your best judgement to copy reasonable extracts.

Can anyone at the institution copy under the Licence?

- Photocopies may be made by all staff and students.
- Digital copies (whether made by scanning from print or copying from digital publications) may only be made by members of staff who have been specifically trained in this role. The Library provides a centralised scanning staff for copyright material. Contact your [Subject Librarian](#) for details.

Who can I make copies for?

Copies may be distributed to registered students and members of staff, with strict reference to a Course of Study.

What to do if in doubt

- For most courses there will normally be at least one textbook (usually more) considered to be Required, Essential or Core reading. If there is no recommendation in this respect, it may be that the course pack would replace the need for a student to purchase any textbook.
- However, it is recognised and accepted that there are some courses not covered by a relevant textbook, or where there are only a small number of extracts from one or two textbooks that are relevant. Use of the licence to support courses of this nature is entirely appropriate.
- It is recommended that a comparison is made of the proposed course pack with those textbooks, if any, on the subject. If the course pack covers the same ground as the textbooks, and does so at the same level, then there is a need to consider carefully whether it is thought that a student with the course pack would still need a textbook.
- If it seems likely that he or she may not, then there may be a need to reconfigure the course pack – one way of doing this would be to remove some of the material from textbooks and replace it with journal articles or other material for ‘reading round the subject’.
- The CLA Licence Co-ordinators at HEIs can offer further guidance and advice. If necessary, they will consult with CLA’s Education Team, which has undertaken to provide support and assistance in a timely manner