

Copyright Guidelines Document

October 2023

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

How to use this Copyright Guidelines Document

So, you're looking for some guidance about Copyright at Salt Lake Community College... Congratulations! You've found a great place to start!

Guide Length

You will notice from a quick glance that the guide is quite lengthy. This is intentional. This guide is not meant to be read from "cover to cover" as it were.

Instead, this document is divided up by the topics which are popular areas of interest or confusion. There are different scenarios which accompany each topic to assist with clarification related to typical situations in which faculty and staff often need clarity in regard to copyright.

Using this Document

We invite you to look at the Table of Contents and visit whichever section(s) is most applicable to your needs. In addition to copyright guidelines on these topics, there are also scenarios which may provide additional guidance on how to address specific situations.

The topics in this document run the gambit from general knowledge to very specific questions. At the beginning there is an [FAQ](#) complete with scenarios (or example situations of copyright questions). The [FAQ](#) is not exhaustive, so feel free to also read relevant sections of the guide as well. Towards the end of the guide are overarching "[Copyright Concepts and References](#)" for those who are interested in or whose work requires more Copyright-Law-related information such as pertains to Orphan Works, DMCA exceptions, Permissions, or Attribution versus Citation.

So, take a look at the [FAQ](#) and Table of Contents and see what you can find that is useful to you.

If you have additional questions or concerns that you feel are not addressed in this guidance document, please contact [Yuliya Lef](#), Assistant Director of Content Services, Library Services.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Table of Contents

How to use this Copyright Guidelines Document.....	2
Guide Length.....	2
Using this Document	2
Frequently Asked Questions and Scenarios.....	8
So What is Fair Use?.....	8
Music.....	8
Scenario – playing music in class (1):	8
Reasonable?.....	8
How to make it more reasonable:.....	8
Scenario – playing music in class (2):	8
Reasonable?.....	9
How to make it more reasonable:.....	9
Permissions.....	9
Scenario —using a copyrighted image:.....	9
General Expected Actions:.....	9
Scenario —creating a course pack:.....	9
General Expected Actions:.....	9
Using the Copyright Clearance Center/asking the publisher directly for permission:	10
Reasonable?.....	10
Using licensed material:	10
Reasonable?.....	10
Creative Commons licensed material:.....	10
Reasonable?.....	10
Using a Fair Use argument:	10
Reasonable?.....	10
Using Content from the Web (written or image-based)	11
Scenario —using images from social media:.....	11
Reasonable?.....	11
How to make it more reasonable:.....	11
Scenario —using blogs or articles found online in an online class or in an ePortfolio:	11
Reasonable?.....	11
Using Streaming Services	11
Scenario —using a streaming service in a class:	11
Reasonable?.....	12

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

How to make it more reasonable:.....	12
YouTube.....	12
Scenario —using YouTube videos in class:	12
Reasonable?.....	12
Using copyrighted works:	13
What materials can be copyrighted?.....	13
What are Multilayered works and why do I need to know about them?	13
What print materials can I share with my class? Can I scan them and make them available online?.....	14
Learn More:	15
What constitutes making a copy? Posting my copy of material to my Canvas course or attaching it in an e-mail is just sharing a single copy, right?	15
If sharing material electronically constitutes making a copy, does that mean I cannot share anything with my class or colleagues without it being a copyright violation?	16
Common Scenarios for Using Print Materials:	16
Scenario 1—print book for an online class:	16
Reasonable?.....	16
Scenario 2—using an e-book found online:.....	16
Reasonable?.....	16
Scenario 3—using the CCC to obtain permission:.....	16
Reasonable?.....	16
Scenario 4—using information or publications found on a government website:	16
Reasonable?.....	17
Scenario 5—“breaking” the encryption on a file:.....	17
Reasonable?.....	17
So what can I use?.....	17
Can I stream this video in my class?	17
Can I use my personal subscription to a streaming service, like Netflix, to show a film to my class?	18
Can I make a digital copy of this video to use in my class?.....	18
Learn More:	19
Common Scenarios for Using Videos:	19
Scenario 1—using a streaming service in a class:	19
Reasonable?.....	19
Scenario 2—using YouTube videos in class:	19
Reasonable?.....	19
Scenario 3—converting VHS to a newer format:	19

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Reasonable?.....	19
Scenario 4—converting a DVD to digital for an online class:	19
Reasonable?.....	20
So what can I use?	20
Can I rip and stream a video if I’m trying to make it accessible?	20
Common Scenarios for Videos and Accessibility:	20
Scenario 1—captioning videos without an accommodation request	20
Reasonable?.....	20
Scenario 2—responding to an accommodation request	20
Reasonable?.....	21
Can I use this music in my presentation/class?	21
Can I use this music at an event or activity?	21
Learn More:	21
Common Scenarios for Using Music:.....	22
Scenario 1 – playing music in class (1):	22
Reasonable?.....	22
How to make it more reasonable:.....	Error! Bookmark not defined.
Scenario 2 – playing music in class (2):	22
Reasonable?.....	22
Scenario 3—using sheet music for a performance:	22
Reasonable?.....	22
Scenario 4—playing a music CD in class:	22
Reasonable?.....	22
Scenario 5—live performance in a class:	23
Reasonable?.....	23
Scenario 6—live performance outside of a classroom:.....	23
Reasonable?.....	23
So what can I use?	23
Can I use this image in my presentation/class?	23
Learn More:	24
Common Scenarios for Using Images:	24
Scenario 1—using images in a class:.....	24
Reasonable?.....	24
Scenario 2—using images in an online class:	24
Reasonable?.....	25
Scenario 3—using figures, charts, or graphs in class:	25

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Reasonable?.....	25
Scenario 4—using figures, charts, or graphs in an online class:.....	25
Reasonable?.....	25
Scenario 5—using screenshots in class materials:.....	25
Reasonable?.....	25
So what can I use?.....	25
So how do I find Openly Licensed Images in Google?.....	26
Can I use this content from the web in my presentation/class?.....	26
Learn More:.....	27
Common Scenarios for Using Content from the Web:	27
Scenario 1—using images from social media:.....	27
Reasonable?.....	27
Scenario 2—using YouTube videos in an online class:	27
Reasonable?.....	27
Scenario 3—using blogs or articles found online in class:	27
Reasonable?.....	27
Scenario 4—using blogs or articles found online in an online class:.....	28
Reasonable?.....	28
So what can I use?.....	28
Using Openly Licensed Works	29
What are Creative Commons Licenses?.....	29
Do Creative Commons licenses affect exceptions and limitations to copyright, such as fair use?	30
Learn more about utilizing openly licensed works:.....	30
So how do I know when to use an attribution instead of a citation?	30
Learn More:.....	30
Common Scenarios for Using Attributions:	30
Scenario 1—Image Attributions:.....	30
Reasonable?.....	30
How do I provide attribution properly?.....	31
How do I get the Creative Commons License Icon to display on my materials?.....	31
Copyright Concepts and References:.....	32
I know I can use copyrighted material in my class, but how do I do that?	32
Face-to-face courses and online courses—what’s the difference?	32
Learn more:.....	32
Key Concepts for Copyright Law and Exceptions	33

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Fair Use:.....	33
Creative Commons Licensing:	34
Do Creative Commons licenses affect exceptions and limitations to copyright, such as fair use?	35
Attributions versus Citations:	35
So, that's good information, but how to I know when I should use an attribution instead of a citation?	35
How do I get the Creative Commons License Icon to display on my materials?.....	36
Orphan Works:	36
Public Domain:	36
Licensed Material:	37
Chafee Amendment:.....	37
DMCA Exceptions:	38
Teach Act:	38
Permissions:.....	38
Who owns what?.....	38
Printed Works	39
Videos/DVDs	39
Images.....	40
Music	40
Cease and Desist Letters:	40

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Frequently Asked Questions and Scenarios

So, What is Fair Use?

Fair Use is the broadest copyright exception that can be applied in an educational setting and the best option when considering which exception to use. There are four factors of Fair Use to consider when checking to see if the exception applies to your situation.

1. The purpose and character of your use
2. The nature of the copyrighted work
3. The amount and substantiality of the portion taken in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for or value of the copyrighted work

When you are considering the four factors, factors 2 and 3 will weigh more heavily in your determination if your use qualifies as a fair use argument. The American Library Association (ALA) provides a [Fair Use Analysis Evaluator](#) to help you determine if your use qualifies as fair use.

Music

Scenario – playing music in class (1): A faculty member wants to play Mozart in a face to face course before a student test because the faculty member has read that there is a correlation between listening to Mozart and improved test scores. The faculty member uses their personal Spotify account to play the music.



Reasonable? Not likely. While an argument could possibly be made for Fair Use, you are using a personal Spotify account and playing the music in class could violate the user agreement with Spotify (or other similar vendor).

How to make it more reasonable: There are a couple of content options that would make a stronger case for fair use. One option would be to see if the music is in the public domain through a resource such as the Library of Congress' [National Jukebox](#). Another option would be to find a video of the music on YouTube and show the video in class. The Library also subscribes to the Naxos Music Library which may have the song you're looking for.

Scenario – playing music in class (2): A faculty member wants to play music in a face to face course before a student test to create a calm atmosphere for the students. The faculty member is using a YouTube music video. The faculty member is playing the YouTube music video on their laptop as opposed to projecting the video for the whole class to see.



The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Reasonable? Not likely. Since the faculty member is using a YouTube video in a face to face classroom, the video should be projected for all to see. Otherwise the faculty member might violate the user agreement with YouTube.

How to make it more reasonable: Project the video so the class can see it.

Would you like more information on this topic? Check out the [Music Section](#) of this Copyright Guidelines document.

Permissions

Obtaining permissions is a tricky subject. There are a lot of different routes to take based on the type of material and the use of the material in question. In general, you need to obtain permissions for any type of material you wish to use in a situation wherein Fair Use is not applicable.

Scenario —using a copyrighted image: A student wishes to use a copyrighted image in their ePortfolio. What guidance can a Faculty member provide as this does not fall under Fair Use?

General Expected Actions: The student should check to see who owns the copyright of the image first and contact the appropriate copyright holder for permission. The student will need to provide the title (if known), creation date, and intended use in the request. (If a student chooses to make their ePortfolio public facing, then they cannot rely on Fair Use.)

Scenario —creating a course pack: A faculty member wishes to create a course pack of materials, some are in the public domain, others are still under copyright. What do they need to do to not expose themselves or the College to legal litigation?

General Expected Actions:

1. If one or more of the written works is TRULY in the public domain, then you do not need to seek permission to use them in a course pack. However, for works that are not in the public domain...
2. Permission can sometimes be difficult to obtain because copyright ownership is not always straight forward. The content creator may be the original copyright holder, but they most likely sold the rights to the publisher/producer when the work was commercially produced. They may still own the copyright to the unpublished version of their work, but not the published version.
3. The next step is to contact the publisher for printed works that are not in the public domain. You will need to provide the title, edition, pages and/or chapters you want to use, and how you intend to use the material. You will need to determine who owns the copyright and contact the appropriate publisher in to obtain permission.
4. Permission may also be obtained to use printed works through the [Copyright Clearance Center](#) (CCC). The CCC works with publishers to obtain permissions to use copyrighted titles. The CCC offers licenses to academic institutions and businesses that allow them to take advantage of the negotiated permissions. You will still need to provide the same information to the CCC as you would to the publishers.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

5. Contact the [Library](#) for assistance using the Copyright Clearance Center.
- 6) If you are compiling a course packet to be sold in the College Book Store, contact the [Book Store](#) for assistance in copyright clearance for these materials.

Using the Copyright Clearance Center/asking the publisher directly for permission:

Reasonable?



The best course of action when using copyrighted material is to obtain permission from the copyright holder. If you do not receive a timely response, then you still have the option of performing a fair use evaluation.

Using licensed material:

Reasonable?



Using licensed material, like library resources, is also a relatively sound approach to using copyrighted material. Remember to read the user agreement terms to see if any conditions apply to using the content.

Creative Commons licensed material:

Reasonable?



Creative Commons licensed materials are great resources for your class. Remember to check the licensing terms to ensure you share and attribute them appropriately.

Using a Fair Use argument:

Reasonable?



The Fair Use argument is subjective based on the assessment you perform. Fair Use is a legally defensible position based on balancing four factors:

1. The purpose and character of your use
2. The nature of the copyrighted work
3. The amount and substantiality of the portion taken in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for or value of the copyrighted work

When you are considering the four factors, factors 2 and 3 will weigh more heavily in your determination if your use qualifies as a fair use argument. While the Library is happy to help you understand Fair Use, it is important that you ultimately be the one to make the fair use evaluation. You know your reasons for needing the content and are the best person to decide if your use qualifies for Fair Use.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Would you like more information on this topic? Check out the [Permissions Section](#) of this Copyright Guidelines document.

Using Content from the Web (written or image-based)

Scenario —using images from social media: A professor or student finds an image through social media and uses it in an assignment because it's on a public forum and must be in public domain.



Reasonable? Not likely. Although many people believe that any image found through social media must be okay to use, this is incorrect. You need to look at the image to see if it has an explicit license (like a Creative Commons license), or if there are restrictions in the “Terms of Use” section of the social media site. Alternatively, you could do a fair use analysis of the image (just like you would for an analog image or a digital image you found through a Google search).

How to make it more reasonable: You could do a fair use analysis of the image or try to get permission to use the image in the assignment.

Scenario —using blogs or articles found online in an online class or in an ePortfolio: A professor or student has found an article or a post on a blog and they want to share it with their class. They want to link to that resource for a physical face-to-face class or an online course.



Reasonable? Most likely. Generally speaking, linking to an online resource (be it a YouTube video or a blog post) is permitted. If the site you are pulling content from also provides an embedding code, then it is okay to embed that resource. However, you might want to avoid any web content that you suspect is not a legally obtained copy, not least because that specific resource could be taken down at any time.

Would you like more information on this topic? Check out the [Content from the Web](#) or [Using Images](#) sections of this Copyright Guidelines document. For information on how to find images on the web that are openly licensed, check out the [How do I find Openly Licensed Images in Google?](#) section of this document.

Using Streaming Services

Scenario —using a streaming service in a class: There is a great documentary available through a streaming service (Amazon Prime, Hulu, Netflix, etc.) that a professor would love to use in a class.



The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Reasonable? Not likely. While an argument could possibly be made for Fair Use, showing the video in class could violate the user agreement with the vendor.

How to make it more reasonable: There are a couple of content options that would make a stronger case for fair use. One option would be to see if the video is in the public domain through a resource such as the [Moving Image Archive](#). Another option would be to see if the Library has the film licensed through one of its databases. Some vendors make some of their content available for educational use. The [Library](#) can help you reach out to the vendors and see if the film you want to use falls in this category.

Would you like more information on this topic? Check out the [Streaming Videos](#) and [Using Video](#) Sections of this Copyright Guidelines document.

YouTube

Scenario —using YouTube videos in class: A professor wants to use YouTube videos in their Canvas course.



Reasonable? Most likely. The best way to share the video is to link or embed the video through the module. Downloading a local copy of the video wouldn't be permissible unless you have the copyright holder's permission to create a copy. If you are using a video from YouTube, TEDtalks, etc., check their websites for permitted uses to make sure you are sharing the video correctly.

Would you like more information on this topic? Check out the [Common Scenarios for Videos](#) section of this Copyright Guidelines document.

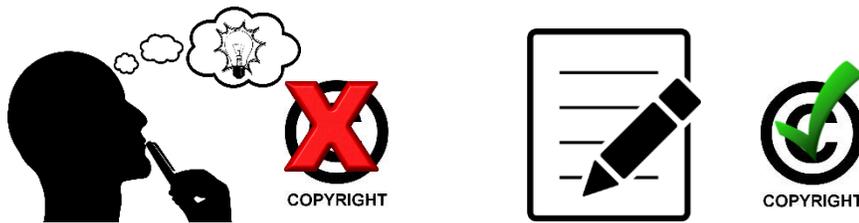
The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Copyright Guidelines Document

Using copyrighted works:

What materials can be copyrighted?

Most works receive implicit copyright protection when they are created. This includes books, articles, theatrical productions, music, movies, works of art, etc. However, the work must be in a tangible form to qualify for copyright protection. For example, if you think of a new song, but refrain from any documentation (written lyrics or a recording of the song), if someone else records the song, there is no way to prove you were the original creator of the work. Remember, ideas cannot be copyrighted, but the expression of those ideas can be.



There are some materials that don't qualify for copyright protection including titles (queen, duke, Mr., Ms., etc.), names, ingredients/contents, facts, blank forms, bibliographies/reading lists, etc. Government works are also not generally subject to copyright protection. Be careful though! This only applies to works created by the Federal government and not to state or local government works or works prepared for the government by independent contractors.

What are Multilayered works and why do I need to know about them?

Multilayered works are works such as films, audiovisual works, or sound recordings that may contain underlying works, such as musical soundtracks, painted illustrations, or other works.



One example is the film "It's a Wonderful Life" which fell into the public domain because of a failure to renew copyright.

For years, anyone was free to copy and sell the movie on videotape. However, a production company recently acquired rights to the musical soundtrack that is used in the movie. That soundtrack is thus no longer in the public domain. This means that no one can copy and distribute the film (which is in the public domain) unless the soundtrack (which is under copyright) is removed.

So, it's important to understand that there is a difference between individually copyrighted works. That applies to works that may be

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

related (such as audio recordings, audiovisual works, and films) and used in conjunction to create what appears to be a singular work, but is in fact a combination of different types of works that all have differing copyrights attached to them.

What print materials can I share with my class? Can I scan them and make them available online?

That depends on the class format and the number of copies you wish to make. Making a single copy of a journal article or portion of a book for personal research is typically protected by Fair Use. However, sharing it with a class or making multiple copies may not qualify under Fair Use. It is also more complicated if you need to digitize material for an online class.

In either case, you should try to get permission to share the materials before you give them to your students. This can be done a number of different ways. The easiest way is to check the Library's databases and other resources to see if it's available through there. See the [Library's webpage](#) for more information or to search for content. [How do I use licensed materials?](#)



Another option is to check for permission through the [Copyright Clearance Center](#) (CCC). The CCC works with publishers to obtain permissions to use copyrighted titles. The College has an Academic License with the CCC that allows you to search the CCC's database and see if the material you want to use in class is covered by the license. If it is, then you don't have to contact the publisher for permission. Be careful though! Sometimes there are additional terms with the titles that you'll need to follow in order to rely on the CCC license. If the material you want to use is not covered by the CCC license, then you'll need to contact the publisher directly for permission to share their works.

[How do I ask for permission?](#)

Contact the [Library](#) for assistance using the Copyright Clearance Center.

You can also make a Fair Use assessment if you are unable to obtain permission, if the format you need the material in does not exist, or if a copy of the material is not available for a reasonable cost. There are four factors of Fair Use to consider when checking to see if the exception applies to your situation. When you are considering the four factors, factors 2 and 3 will weigh more heavily in your determination if your use qualifies as a fair use argument.

	Factors to consider:	How this affects use:
1	The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes	Uses in nonprofit educational institutions are more likely to be fair use than works used for commercial purposes, but not all educational uses are fair use
2	The nature of the copyrighted work	Reproducing a factual work is more likely to be fair use than a creative, artistic work such as a musical composition

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

3	The amount and significance of the portion used in relation to the entire work	Reproducing smaller portions of a work is more likely to be fair use than larger portions
4	The effect of the use upon the potential market for or value of the copyrighted work	Uses which have no or little market impact on the copyrighted work are more likely to be fair than those that interfere with potential markets

The nature of the work weighs more heavily when performing a fair use evaluation. Facts cannot be copyrighted, but the expression of those facts can be copyrighted. For example, Alexander Hamilton was Secretary of the Treasury is a fact and cannot be copyrighted. The portrayal of Alexander Hamilton as Secretary of the Treasury in the musical *Hamilton* is copyrighted. It's important to consider if the material you want to use is more factual based or more of a creative work when you are performing a fair use evaluation.

Similarly, the amount of a work you want to use weighs heavily in the fair use evaluation process. A good rule is to avoid the "heart of the work" and use only the amount that will adequately convey your point. Do you need the entire work or will a chapter or excerpt work just as well? With copyright exceptions, less is more!

The American Library Association (ALA) provides a [Fair Use Analysis Evaluator](#) to help you determine if your use qualifies as fair use.

[Learn More:](#)

For more information on Fair Use, see Harvard's [Copyright and Fair Use](#) page or the University of Texas, Austin's [Copyright Crash Course](#).

[What constitutes making a copy? Posting my copy of material to my Canvas course or attaching it in an e-mail is just sharing a single copy, right?](#)

Copyright law considers any activity that results in the duplication of a work to be copying. For printed copies, it is pretty evident when you are making additional copies of because you have to photocopy the original in some way in order to make the copies. Similarly, sharing a single copy of printed material is straightforward, too. You give your copy to someone else and do not retain a copy for yourself.

Copying can get tricky when sharing material in the digital format.

There are two components to determining if you are creating multiple copies:

1. Did you retain a copy of the material after you shared it with someone else?
2. Can others download and/or save a copy of the material you shared with them?

If the answer is yes to either question, then you are making multiple copies and are not sharing a single copy. There are numerous ways to "copy" digital material including: file sharing, unsecured file formats, screenshots or digital photographs of a work, etc. Most of these are not legitimate methods for sharing material with others.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

If sharing material electronically constitutes making a copy, does that mean I cannot share anything with my class or colleagues without it being a copyright violation?

No, there are lots of ways to legally share material electronically and it not be a copyright violation. Materials available through the Library's databases include information on how to share those materials. If you abide by those terms, then you can share them with others. Alternatively, if you have a legally obtained copy of the material, you can see if sharing it electronically is covered by the College's CCC License. In some instances, Fair Use may even apply, but you will need to perform a fair use assessment to determine that.

Common Scenarios for Using Print Materials:



Scenario 1—print book for an online class: A professor wants to use a chapter from a book in their online class, but they only have a print version of the book. They scan it and upload to Canvas.

Reasonable? Not likely. The professor needs to make sure they have permission to share the material in an electronic format before uploading it to Canvas. Remember, permission to share materials in *print* format does not mean you can share it in an electronic format.

If permission is not obtainable, then the professor would need to perform a fair use evaluation before posting the work to Canvas.

Scenario 2—using an e-book found online: A professor wants to use an e-book in their class. They google it and find an electronic version posted online. They download the book into their Canvas course.

Reasonable? Not likely. It would depend on who originally posted the e-book, if they had permission to share it, and if you have permission to make a copy. If the person who posted the material isn't the copyright holder (or the material does not have Creative Commons licensing), then it's most likely an illegal copy of a work and you should not use it. Check the source of materials that you find online to ensure you are using legal versions of the work.

Scenario 3—using the CCC to obtain permission: A professor wants to use an article in their class. They check the Copyright Clearance Center and it is covered by the College's Academic License, so they use it in their class.

Reasonable? Most likely. The professor needs to make sure they have a legally obtained copy of the article and that their specific use is covered by the license. Otherwise, it is likely that their use is protected.

Scenario 4—using information or publications found on a government website: A professor wants to use information from the Department of the Interior's website. They download a PDF they find on the site and share it with their class through Canvas.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Reasonable? Most likely. If the PDF is of content created by the Department of the Interior, then it should be okay for the professor to use. However, the professor will need to check to make sure that none of the content in the PDF could be subject to copyright and provide attribution in order to use it.

Scenario 5—“breaking” the encryption on a file: A professor finds a pdf article that they would like to share with their students, but the file prohibits them from saving a copy of the article. The professor finds an online tool that breaks the encryption on the file and allows them to save the article.

Reasonable? Not likely. Copyright law specifically prohibits circumventing or “breaking” the security encryption on electronic files to make copies of them. There are exceptions for ADA accommodations. Contact the College’s [Universal Access Coordinator](#) for assistance fulfilling an accommodation request.

So, what can I use?

Many publications are available for educational use. If you cannot get permission for the work you want to use or it does not qualify under Fair Use, there are other resources that may work for you, including library resources, openly licensed content, and works in the public domain.

Some resources include:

- [Library Website](#)
- [Project Gutenberg](#)
- [Library of Congress: Free to Use and Reuse Sets](#)
- [Internet Archive: Journals](#)

****Please note that this is not a comprehensive list of resources!****

Can I stream this video in my class?

That depends on the class format. Copyright exceptions treat in-person classes and online classes differently. [What is the difference?](#)

For in-person classes, there is the Classroom Use Exception. This exception states that you must: be in a classroom ("or similar place devoted to instruction"); be there in person, engaged in face-to-face teaching activities; and be at a nonprofit educational institution.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Online classes do not qualify for the Classroom Use Exception. They do qualify for the [TEACH Act Exception](#). The TEACH Act can be difficult to use because it's harder to prove that the thresholds are met.

Assessment Factors for a Fair Use Analysis and the TEACH Act	
Fair Use	TEACH Act
Purpose and character of use.	Use must not include the transmission of textbook materials.
Nature of the work.	Use must not include materials typically purchased by students.
Amount of the work used.	Use cannot include materials specifically developed for online uses.
Effect of use upon the potential market value of the work.	Institution must have publicized copyright policies--specifically notifying students that course material may be covered by copyright.
	The materials used must include a notice of copyright.
	Materials must be limited to just the students of the class through technological means.

[Fair Use](#) is the broadest copyright exception that can be applied in an educational setting and the best option when considering which exception to use. There are four factors of Fair Use to consider when checking to see if the exception applies to your situation. When you are considering the four factors, factors 2 and 3 will weigh more heavily in your determination if your use qualifies as a fair use argument. The American Library Association (ALA) provides a [Fair Use Analysis Evaluator](#) to help you determine if your use qualifies as fair use.

[Can I use my personal subscription to a streaming service, like Netflix, to show a film to my class?](#)

In most cases, it is not advisable to use personal subscriptions for classroom use. Subscriptions to streaming platforms are governed by the terms and conditions set by the providers in the end user licensing agreement (EULA). Unfortunately, copyright exceptions like Fair Use or the TEACH Act do not override the terms of the EULA. Most licenses for streaming services expressly state that the content can only be used for private or personal use. Showing them in a classroom setting would violate the EULA you agreed to when you signed up for the service.

[Can I make a digital copy of this video to use in my class?](#)

Like streaming a video in the classroom, it really depends on the class format and how you intend to use the video in your class.

Digitizing films from a DVD or VHS is always a little tricky and requires a thorough analysis to determine if your intended use would qualify to digitize (rip) the DVD/VHS tape. The amount of the film you want to use and how you intend to use it will weigh

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

heavily in your evaluation. The content needs to support your curriculum and should be limited to only the parts of the film that are relevant to your purpose.

It's best to see if the film is available through other means first, like the Library databases, before proceeding with digitizing a DVD or VHS tape. If you do need to digitize a DVD or VHS tape for a class, submit a streaming media [ticket](#) to start the process.

[Learn More:](#)

For more information on the Classroom Use Exception, see the University of Minnesota's [Exceptions & Limitations](#) guide and the University of Texas, Arlington [Copyright & Fair Use LibGuide](#).

For more information on Fair Use, see Harvard's [Copyright and Fair Use](#) page or the University of Texas, Austin's [Copyright Crash Course](#).



[Common Scenarios for Using Videos:](#)

Scenario 1—using a streaming service in a class: There is a great documentary available through a streaming service (Amazon Prime, Hulu, Netflix, etc.) that a professor would love to use in a class.

Reasonable? Not likely. While an argument could possibly be made for Fair Use, showing the video in class could violate the user agreement with the vendor.

Scenario 2—using YouTube videos in class: A professor wants to use YouTube videos in their Canvas course.

Reasonable? Most likely. The best way to share the video is to link or embed the video through the module. Downloading a local copy of the video wouldn't be permissible unless you have the copyright holder's permission to create a copy. If you are using a video from YouTube, TEDtalks, etc., check their websites for permitted uses to make sure you are sharing the video correctly.

Scenario 3—converting VHS to a newer format: A professor has a VHS tape they want to use in their class but would like to either convert it to a DVD or digitize it.

Reasonable? Maybe. It depends on several factors. If a DVD or digitized version of the video is already available for a reasonable price, then this use would most likely not qualify. Another factor is how much of the video will be shown in class (clips or the whole video) and why that specific amount is needed. It also depends on if you are changing the format for an accommodation request.

Scenario 4—converting a DVD to digital for an online class: A professor is converting a face-to-face class to an online class. The face-to-face class uses several films, so the professor wants to digitize them for the online class.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Reasonable? Maybe. Like Scenario 3—converting VHS to newer format, it depends on several factors. If a digital version of the film already exists for a reasonable price, then you should look into options for obtaining that version of the video. It also depends on how much of the film is needed for the class and the intended use.

So, what can I use?

Many videos are available for educational use. If the video you want does not qualify for a copyright exception, there are other resources that may work for you, including library resources, openly licensed content, and videos in the public domain.

If you need to digitize a film, please submit a [ticket](#) to the Library for assistance.

Some resources include:

- [Library Streaming Databases](#)
- [Library of Congress Film Collection](#)
- [Internet Archive: Moving Image Archive](#)
- [Open Culture Free Online Movie Guide](#)

****Please note that this is not a comprehensive list of resources!****

Can I rip and stream a video if I'm trying to make it accessible?

There are some copyright exceptions in order to make classroom materials accessible for students. However, this only applies if a student makes an accommodation request and if an accessible version doesn't already exist. Making materials accessible is a great goal in general but is not covered by this exception unless a student specifically requests accessible materials. Contact the College's [Universal Access Coordinator](#) for assistance if you need help with an accommodation request.

Common Scenarios for Videos and Accessibility:

Scenario 1—captioning videos without an accommodation request: A professor wants to make sure that all the videos they are using in their course have captions. They find one that doesn't and want to make a local copy of the video and caption it.

Reasonable? Not likely. The exceptions for making works accessible limit access to those versions of the work to the students needing the accommodations. If there isn't a student who requests an accessible version of class material, then making a local copy and captioning it would most likely not be covered.

Scenario 2—responding to an accommodation request: A professor receives an accommodation request from a student regarding an uncaptioned film they use in their online class.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Reasonable? Maybe. Like [Scenario 3 for Using Videos](#), it really depends on several factors. Please contact the College's [Universal Access Coordinator](#) for help with accommodation requests.



Can I use this music in my presentation/class?

That depends on the class format. Copyright exceptions treat in-person classes and online classes differently. [What is the difference?](#)

For in-person classes, there is the Classroom Use Exception. This exception states that you must: be in a classroom ("or similar place devoted to instruction"); be there in person, engaged in face-to-face teaching activities; and be at a nonprofit educational institution.

Online classes do not qualify for the Classroom Use Exception. They do qualify for the TEACH Act Exception. The TEACH Act can be difficult to use because it's harder to prove that the thresholds are met.

Fair Use is the broadest copyright exception that can be applied in an educational setting and the best option when considering which exception to use. There are four factors of Fair Use to consider when checking to see if the exception applies to your situation. When you are considering the four factors, factors 2 and 3 will weigh more heavily in your determination if your use qualifies as a fair use argument. The American Library Association (ALA) provides a [Fair Use Analysis Evaluator](#) to help you determine if your use qualifies as fair use.

Can I use this music at an event or activity?

The College subscribes to three licenses (ASCAP, SESAC, and BMI) that allow music to be played at events held on campus. In order to use the licenses, the event must be hosted by the College and not by an outside group/organization.

- Event with a DJ: Ask the DJ for a playlist prior to the event and check if the songs are covered by one of the three licenses. Contact [Student Affairs](#) for assistance using the licenses.
- Event without a DJ: Compile the playlist prior to the event and check if the songs are covered by one of the three licenses. Contact [Student Affairs](#) for assistance using the licenses.
- Event without a set playlist: For events or classes with incidental music, like playing a song at closing time or as background music in a public space, contact [Purchasing](#) for access to the College's Mood Music account (similar to Spotify).

[Learn More:](#)

For more information on the Classroom Use Exception, see the University of Minnesota's [Exceptions & Limitations](#) guide and the University of Texas, Arlington [Copyright & Fair Use LibGuide](#).

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

For more information on Fair Use, see Harvard's [Copyright and Fair Use](#) page or the University of Texas, Austin's [Copyright Crash Course](#).

Common Scenarios for Using Music:

Scenario 1 – playing music in class (1): A faculty member wants to play Mozart in a face to face course before a student test because the faculty member has read that there is a correlation between listening to Mozart and improved test scores. The faculty member uses their personal Spotify account to play the music.

Reasonable? Not likely. While an argument could possibly be made for Fair Use, you are using a personal Spotify account and playing the music in class could violate the user agreement with Spotify (or other similar vendor).

Scenario 2 – playing music in class (2): A faculty member wants to play music in a face to face course before a student test to create a calm atmosphere for the students. The faculty member is using a YouTube music video. The faculty member is playing the YouTube music video on their laptop as opposed to projecting the video for the whole class to see.

Reasonable? Not likely. Since the faculty member is using a YouTube video in a face to face classroom, the video should be projected for all to see. Otherwise the faculty member might violate the user agreement with YouTube.

Scenario 3—using sheet music for a performance: A professor has purchased a legally obtained copy of sheet music for a performance class. Can they make photocopies of this sheet music for their students to use?

Reasonable? Maybe. This one can be complicated. If the photocopies of the sheet music are being handed out to use during rehearsal ONLY, then you are likely okay. However, if you want students to use copies of the sheet music during a performance, then this is not typically okay. You would need to purchase a legally obtained copy of the sheet music for each student using it during the performance.

Scenario 4—playing a music CD in class: A professor wants to use music from a CD in class.

Reasonable? Maybe.

If it is for a face-to-face classroom environment and the purpose of the music is instructional (and especially if it is not the entire CD, but rather a limited portion of the music), this should be okay. Still, you may want to conduct a fair use analysis.

If it is for an online environment, the rules are a little more complex. Streaming music from a CD for an online class will need to be permitted by the TEACH Act or be fair use. Fair use could conceivably permit it, but a very rigorous analysis and justification would need to be provided. Qualification as fair use is more straightforward if you are only uploading portions necessary to serve your pedagogical purpose. You would need to think through your purposes for including the content from the CD and limit your use to

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

only the necessary portions. Again, a rigorous fair use analysis with justification provided would be the best route in this situation.

[Scenario 5—live performance in a class](#): A professor wants to have a live music performance in their face-to-face class, is this doable?

Reasonable? Most Likely. If the live music performance is for a face-to-face classroom environment, then this should likely be permitted by the classroom exemption covered at the beginning of this Section.

[Scenario 6—live performance outside of a classroom](#): A professor's class is putting on a performance showcasing the students' talents. Some of the students want to use popular music in their performances. Do they need permission to use the music?

Reasonable? Most Likely. The College has three licenses (ASCAP, SESAC and BMI) that cover using music in live performances. You will need to see if your use is covered by any of the licenses.

[So, what can I use?](#)

There is a lot of music available for educational use. Remember, music in the public domain is your friend! Public domain works can be used in either face-to-face or online classroom situations. If the music you want does not qualify for a copyright exception, there are other resources that may work for you, including openly licensed content, and music in the public domain.

Some resources include:

- [Free Music Archive](#)
- This [article](#) highlights [60 websites to Download Creative Commons Music for Free](#)
- Or just do a [Google search for "creative commons music"](#) and check out all the results!
- Library database: Naxos Music Library

****Please note that this is not a comprehensive list of resources!****



[Can I use this image in my presentation/class?](#)

That depends on the class format. Copyright exceptions treat in-person classes and online classes differently. [What is the difference?](#)

For in-person classes, there is the Classroom Use Exception. This exception states that you must: be in a classroom ("or similar place devoted to instruction"); be there in person, engaged in face-to-face teaching activities; and be at a nonprofit educational institution.

For Information on the Copyright Case sparked by this Monkey selfie [go here](#).

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Online classes do not qualify for the Classroom Use Exception.

Fair use is the broadest copyright exception that can be applied in an educational setting and the best option when considering which exception to use. There are four factors of fair use to consider when checking to see if the exception applies to your situation. When you are considering the four factors, factors 2 and 3 will weigh more heavily in your determination if your use qualifies as a fair use argument. The American Library Association (ALA) provides a [Fair Use Analysis Evaluator](#) to help you determine if your use qualifies as fair use.

Learn More:

For more information on the Classroom Use Exception, see the University of Minnesota's [Exceptions & Limitations](#) guide and the University of Texas, Arlington [Copyright & Fair Use LibGuide](#).

For more information on Fair Use, see Harvard's [Copyright and Fair Use](#) page or the University of Texas, Austin's [Copyright Crash Course](#).

Need to use an image but not sure if you have the right to do so? Understanding the laws for using images can be a bit tricky. And, with the mass distribution of images on the internet, it's no wonder we're all asking the same question over and over again: can I use that picture? Check out the "[Can I Use that Picture? Flowchart](#)" from [visual.ly](#) to see if your proposed use of a copyright image is likely to be legal.

For more information about the public domain, please view the [Public Domain](#) Section of this document.

For information about orphan works (which is often a prevalent issue when finding and using images for a course), please view the [Orphan Works](#) Section of this document.

Common Scenarios for Using Images:

Scenario 1—using images in a class: A professor wants to show legally acquired images in a face-to-face classroom environment. Can the professor do this?

Reasonable? Most likely. Showing legally acquired images in the classroom should be permitted. However, if you want to post your PowerPoint or Slide Deck to an LMS, you should consider removing any copyrighted material unless you have done a fair use analysis and determined that it is likely to be fair.

While an argument could possibly be made for fair use, showing the images in class could violate the user agreement with the vendor. (Consider using the Library's licensed content or Creative Commons licensed content from the web.)

Scenario 2—using images in an online class: A professor wants to use images (photos, memes, artistic works, etc.) in their online course. Can they use legally acquired images even if the images are in copyright?

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Reasonable? Maybe. It is preferable for copyright reasons to use Creative Commons licensed, public domain, or library-licensed material. You can use legally acquired images that are in copyright if you conduct a fair use analysis and find the use to be fair. Also, if you are using a Creative Commons licensed meme or photo, etc., take a look at the [How do I provide attribution properly?](#) portion below the Attributions vs. Citations Section of this document.

Scenario 3—using figures, charts, or graphs in class: A professor wants to use figures, charts, or graphs in their face-to-face classroom environment. Is this okay?

Reasonable? Maybe. It depends on several factors. However, if you are using the figures, charts, or graphs and providing an attribution or citation (as appropriate) then this should likely be okay. Also, if you are using a Creative Commons licensed figure, chart or graph, etc., take a look at the [How do I provide attribution properly?](#) portion below the Attributions vs. Citations Section of this document.

Scenario 4—using figures, charts, or graphs in an online class: A professor wants to use figures, charts, or graphs in their online classroom environment. Is this okay?

Reasonable? Maybe. Like the face-to-face classroom scenario, if you provide an attribution or citation (as appropriate) for each figure, chart, or graph used, it should be okay. However, if the chart or graph or figure is creative in its display of information (as opposed to something that anyone could reproduce exactly given the same data), it would be best to conduct a fair use analysis.

Scenario 5—using screenshots in class materials: A professor wants to use screenshots of a computer program that only show step-by-step how to navigate the computer program for students enrolled in a class utilizing that computer program. In this case there is not a comparable commercially available resource.

Reasonable? Most likely. Like Scenarios 3 & 4, if you provide an attribution or citation (as appropriate) for each screenshot used, it should be okay as long as the screenshots are being used in a fact-based context that benefits the students.

For clarification on the difference between attributions and citations, visit the [Attributions vs. Citations section](#) of this document.

So what can I use?

There are lots of images, figures, charts and graphs available for educational use. If the item you want to use does not qualify for a copyright exception, there are other resources that may work for you including library resources, openly licensed content, and resources in the public domain.

Some resources include:

- Library-licensed content like that in our [ARTstor Database](#).
- Creative Commons licensed resources

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

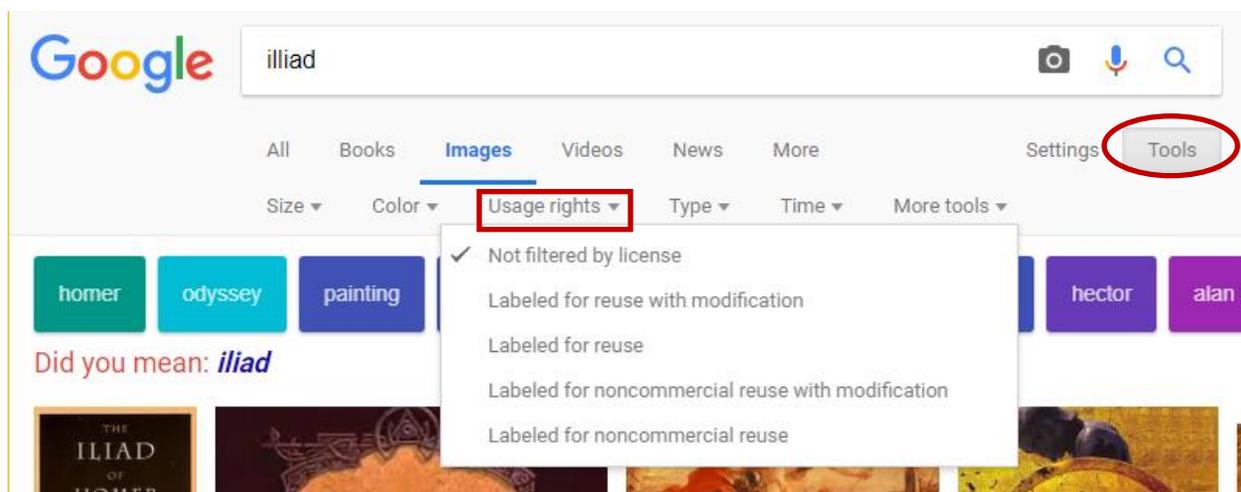
- [Creative Commons Search Tool](#)
- [Creative Commons Search through Google](#)
 - Change the “usage rights” section to filter by the appropriate License you wish to use.
- Images from the [Digital Public Library of America](#)
- [Mountain West Digital Library](#)

Please note that this is not a comprehensive list of resources!

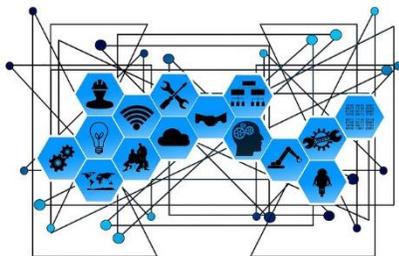
So how do I find Openly Licensed Images in Google?

One option is to use the [Advanced Image Search in Google](#), and choose the “usage rights” that reflects what kind of license you want the image you find to have. Options include options such as “free to use or share,” “free to use or share, even commercially,” “free to use, share or modify,” or “free to use, share or modify, even commercially.”

Alternatively, when conducting a regular image search in Google, go to “Tools” and then to “Usage rights” and then choose your option there.



Can I use this content from the web in my presentation/class?



That depends on the class format. Copyright exceptions treat in-person classes and online classes differently. [What is the difference?](#)

For in-person classes, there is the Classroom Use Exception. This exception states that you must: be in a classroom ("or similar place devoted to instruction"); be there in person, engaged in face-to-face teaching activities; and be at a nonprofit educational institution.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Online classes do not qualify for the Classroom Use Exception.

Fair Use is the broadest copyright exception that can be applied in an educational setting and the best option when considering which exception to use. There are four factors of Fair Use to consider when checking to see if the exception applies to your situation. When you are considering the four factors, factors 2 and 3 will weigh more heavily in your determination if your use qualifies as a fair use argument. The American Library Association (ALA) provides a [Fair Use Analysis Evaluator](#) to help you determine if your use qualifies as fair use.

[Learn More:](#)

For more information on the Classroom Use Exception, see the University of Minnesota's [Exceptions & Limitations](#) guide and the University of Texas, Arlington [Copyright & Fair Use LibGuide](#).

For more information on Fair Use, see Harvard's [Copyright and Fair Use](#) page or the University of Texas, Austin's [Copyright Crash Course](#).

[Common Scenarios for Using Content from the Web:](#)

[Scenario 1—using images from social media:](#) A professor or student finds an image through social media and uses it in an assignment because it's on a public forum and must be in public domain.

[Reasonable?](#) Not likely. Although many people believe that any image found through social media must be okay to use, this is incorrect. You need to look at the image to see if it has an explicit license (like a Creative Commons license), or if there are restrictions in the "Terms of Use" section of the social media site. Alternatively, you could do a fair use analysis of the image (just like you would for an analog image or an image you found through a Google search).

[Scenario 2—using YouTube videos in an online class:](#) A professor wants to use YouTube videos in their Canvas course.

[Reasonable?](#) Most likely. The best way to share the video is to link or embed the video (if the site you find the video from as an embed function) through the module. Downloading a local copy of the video wouldn't be permissible unless you have the copyright holder's permission to create a copy. If you are using a video from YouTube, TEDtalks, etc., check their websites for permitted uses to make sure you are sharing the video correctly.

[Scenario 3—using blogs or articles found online in class:](#) A professor has found an article or a post on a blog and they want to share it with their class. They plan to make multiple physical copies to show in their face-to-face class or upload a screenshot in their online course.

[Reasonable?](#) Not likely. Many people assume that everything posted on the internet is public domain. This is incorrect. As soon as a creator puts their fingers to the save key

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

on a blog post, or article, or other form of tangible (although electronic) expression, this creates a copyrighted work. Copyright protection is automatic (no need for an explicit license). This means that if you want to use an item from a blog, you need to consider the following factors:

1. Is it explicitly licensed with a Creative Commons license? (Many blogs are!)
2. Do they have something similar to a “Terms of Use” section or a statement about how the materials found on their blog can be utilized.
3. You can conduct a fair use analysis, but for this specific case of making multiple physical copies or uploading a screenshot of the item to your online course, the fair use analysis does not look great.

Scenario 4—using blogs or articles found online in an online class: A professor has found an article or a post on a blog and they want to share it with their class. They want to link to that resource for a physical face-to-face class or an online course.

Reasonable? Most likely. Generally speaking, linking to an online resource (be it a YouTube video or a blog post) is permitted. If the site you are pulling content from also provides an embedding code, then it is okay to embed that resource. However, you might want to avoid any web content that you suspect is not a legally obtained copy, not least because that specific resource could be taken down at any time.

So, what can I use?

There is lots of online content available for educational use. Just be aware of the following:

- Legally obtained content is likely permitted in a face-to-face classroom environment.
- If you are going to upload your PowerPoint or Slide Deck online, consider removing any copyrighted material unless you have done a fair use analysis and determined that it is likely to be fair.
- In an online setting, try to use resources that are Creative Commons licensed, public domain, or library-licensed materials (as appropriate).
- If you are using Creative Commons licensed online content, make sure you know how to give proper attribution. Take a look at the [How do I provide attribution properly?](#) portion below the Attributions vs. Citations Section of this document.
- If you are not sure what constitutes “public domain” resources on the web, please view the [Public Domain](#) Section of this document.
- When in doubt, for a face-to-face classroom environment OR an online environment, do a fair use analysis!

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Using Openly Licensed Works

Now let's look at works that are openly licensed such as Open Educational Resources (OER). Many openly licensed works use Creative Commons licenses.

What are Creative Commons Licenses?

A Creative Commons (CC) license is one of several public copyright licenses that enable the free distribution of an otherwise copyrighted work.

A CC license is used when an author wants to give people the right to share, use, and build upon a work that they have created. There are 6 main licenses (plus CC0) that you can assign to your work, each with its own specific restrictions (or lack thereof).

CREATIVE COMMONS LICENSES		COPY & PUBLISH	ATTRIBUTION REQUIRED	COMMERCIAL USE	MODIFY & ADAPT	CHANGE LICENSE
	PUBLIC DOMAIN	✓	✗	✓	✓	✓
	CC BY	✓	✓	✓	✓	✓
	CC BY-SA	✓	✓	✓	✓	✗
	CC BY-ND	✓	✓	✓	✗	✓
	CC BY-NC	✓	✓	✗	✓	✓
	CC BY-NC-SA	✓	✓	✗	✓	✗
	CC BY-NC-ND	✓	✓	✗	✗	✓

You can redistribute (copy, publish, display, communicate, etc.)	You have to attribute the original work	You can use the work commercially	You can modify and adapt the original work	You can choose license type for your adaptations of the work.

Creative Commons Free Photos For Bloggers The Ultimate Guide by [foter.com](#), [CC BY-SA](#), Shortened and Modified Version by Jen Hughes, [CC BY-SA](#). [Long Alternative Text Description Available Here.](#)

If you are looking for Open Educational Resources or other materials for your courses that are free to use for educational purposes, learn to do effective Creative Commons searches! You may find exactly what you need with the rights you need (Creative Commons license) available online for free. Visit [the Creative Commons website](#) for more information.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Do Creative Commons licenses affect exceptions and limitations to copyright, such as fair use?

No. By design, CC licenses do not reduce, limit, or restrict any rights under exceptions and limitations to copyright, such as fair use. If your use of CC-licensed material would otherwise be allowed because of an applicable exception or limitation, you do not need to rely on the CC license or comply with its terms and conditions.

Learn more about utilizing openly licensed works:

- For information about the differences between using CC-licensed materials in a “collection” versus a “adaptation (remix)” visit Nate Angell’s [Open Licensing Over TV Dinners and Smoothies](#) post which explains it all.
- Want to create a collection of CC-licensed materials? Check out this [chart](#) showing which license(s) you may choose for a collection.
- Interested in creating an adaptation or remix of CC-licensed materials? Check out this [CC License Compatibility Chart](#) before you begin!
- More questions about CC licensing? Please contact [Yuliya Lef](#), Assistant Director of Content Services, Library Services.

So how do I know when to use an attribution instead of a citation?

Generally speaking, any time you are using a resource (like a portion of a PowerPoint presentation or an image or any resource that has been given a Creative Commons license), you should provide an attribution, whether in your presentation or your Canvas Course. For further information on this, check out the [Attributions vs. Citations](#) Section under Copyright Concepts and References in this document. There is a handy chart available there.

Also, check out the [Creative Commons Licensing](#) Section under Copyright Concepts and Reference in this document to learn more about Creative Commons Licensing.

Learn More:

For assistance with how to write good attributions, check out the following websites:

- [Open Washington Attribution Builder](#)
- [Creative Commons Best Practices for Attribution](#)

Common Scenarios for Using Attributions:

Scenario 1—Image Attributions: A professor wants to use an image in their class/presentation and it has a Creative Commons license attached to it.

Reasonable? Most likely. It does depend on the specific Creative Commons license, but as long as you abide by that license, and provide attribution, you should be fine!

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

How do I provide attribution properly? Below is one example of how to give a proper attribution, be it in your Canvas course, or in a presentation for your class:

[attribution needed]



(Attribution is as follows) ["If you want a culture of..."](#) by [opensource.com](#) is licensed under [CC BY-SA 2.0](#) / A derivative from the [original work](#)

How do I get the Creative Commons License Icon to display on my materials?

If you are using a Creative Commons License in a handout, PowerPoint, or other non-website material, go to the [Downloads](#) section of the Creative Commons website. Under [downloads](#) you will find the Logos and Buttons (the Creative Commons License Icons). After you have downloaded the "button" you wish to use, paste it into your material/document!

If you are using a Creative Commons License online as part of a website or blog or other online format, go to the ["Share your work"](#) page and click on "Get Started." [Create your license](#) on the following [page](#). At the bottom of this page, there is a section called "Have a Webpage? In this section there is code that will embed the License Icon along with a link to the license you have chosen on your webpage!

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Copyright Concepts and References:

I know I can use copyrighted material in my class, but how do I do that?

There are several ways to use materials typically protected by Copyright Law. Some of these are exceptions to the law itself. Others are the result of the content creator using open licensing for their materials. Some works are old enough that they are no longer covered by copyright. Some materials are available through databases that can be used without relying on copyright exceptions.

Some of the more common concepts to use material are:

- [Fair Use](#)
- [Creative Commons Licensing](#)
- [Attributions versus Citations](#)
- [Public Domain](#)
- [Orphan Works](#)
- [Chafee Amendment](#)
- [DMCA Exceptions](#)
- [TEACH Act](#)
- [Licensed Resources](#)
- [Permissions](#)
- [Cease and Desist Letters](#)

Face-to-face courses and online courses—what’s the difference?

The original exceptions to the Copyright Act were written in 1976— before online courses were available. [Section 110 \(1\)](#) of the Copyright Act specifically states that educational exceptions are for face-to-face classes. That means while in-person classes can benefit under this exception, distant education classes cannot; creating a disparity in the material available to the classes.

Some steps have been made to get exceptions for distance education added to the Copyright Act and other applicable laws. There are [DMCA exceptions](#) and the [TEACH Act](#) that allow for digitizing videos for distance learning.

Sections this applies to:

- [Streaming Media](#)
- [Music](#)
- [Images](#)
- [Web Content](#)

Learn more:

For the current exceptions to the DMCA Act, please see the current rule on [DMCA exceptions \(2018\)](#) in the Federal Register.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

For more information on the TEACH Act, please see Cornell's [Copyright Information Center: New Copyright Legislation](#) or the University of Texas, Austin's [Copyright Crash Course](#).

Key Concepts for Copyright Law and Exceptions

Fair Use:

Fair Use is a legally defensible position based on balancing four factors:

1. The purpose and character of your use
2. The nature of the copyrighted work
3. The amount and substantiality of the portion taken in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for or value of the copyrighted work

The nature of the work weighs more heavily when performing a fair use evaluation. Facts cannot be copyrighted, but the expression of those facts can be copyrighted. For example, Alexander Hamilton was Secretary of the Treasury is a fact and cannot be copyrighted. The portrayal of Alexander Hamilton as Secretary of the Treasury in the musical *Hamilton* is copyrighted. It's important to consider if the material you want to use is more factual based or more of a creative work when you are performing a fair use evaluation.

Similarly, the amount of a work you want to use weighs heavily in the fair use evaluation process. A good rule of thumb is to avoid the "heart of the work" and use only the amount that will adequately convey your point. Do you need the entire work or will a chapter or excerpt work just as well? Less is more with copyright exceptions!

Determining Fair Use is always a case-by-case, critical reasoning process. While the Library is happy to help you understand Fair Use, it is important that you ultimately be the one to make the fair use evaluation. You know your reasons for needing the content and are the best person to decide if your use qualifies for Fair Use.

	Fair Use = YES	Fair Use = NO
Purpose	Nonprofit or Transformative	Commercial or Duplication
Nature	Factual	Creative
Amount	Small amount (relative to original)	Complete work or heart of the work
Market	Doesn't hurt market for original	Hurts market or there is a potential market

Courtesy Mary Minow via Peter Hirtle

We are so lucky to have this as part of Copyright Law because it allows us to use copyrighted works for some purposes, some of the time.

The bad news is that the only way to get a definitive answer on a particular case is to have it resolved in federal court. Judges have a great deal of freedom in fair use disputes.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

The four factors are taken together, not one-by-one. If you are using this in or for a course at Salt Lake Community College, then you should almost always meet the first factor (purpose) for fair use as a nonprofit educational purpose!

Remember, even if you have permission to reuse copyrighted content or are relying on Fair Use, the right to use the content does not give you the intellectual property rights to the content.

If you have further questions about Fair Use, the American Library Association (ALA) provides a [Fair Use Analysis Evaluator](#) to help you determine if your use qualifies as Fair Use.

Creative Commons Licensing:

A Creative Commons (CC) license is one of several public copyright licenses that enable the free distribution of an otherwise copyrighted work.

A CC license is used when an author wants to give people the right to share, use, and build upon a work that they have created. There are 6 main licenses (and CC0) that you can assign to your work, each with its own specific restrictions (or lack thereof).

CREATIVE COMMONS LICENSES		COPY & PUBLISH	ATTRIBUTION REQUIRED	COMMERCIAL USE	MODIFY & ADAPT	CHANGE LICENSE
	PUBLIC DOMAIN	✓	✗	✓	✓	✓
	CC BY	✓	✓	✓	✓	✓
	CC BY-SA	✓	✓	✓	✓	✗
	CC BY-ND	✓	✓	✓	✗	✓
	CC BY-NC	✓	✓	✗	✓	✓
	CC BY-NC-SA	✓	✓	✗	✓	✗
	CC BY-NC-ND	✓	✓	✗	✗	✓

You can redistribute (copy, publish, display, communicate, etc.)	You have to attribute the original work	You can use the work commercially	You can modify and adapt the original work	You can choose license type for your adaptations of the work.

[Creative Commons Free Photos For Bloggers The Ultimate Guide](#) by [foter.com](#), [CC-BY-SA](#), Shortened and Modified Version by Jen Hughes, [CC-BY-SA](#). [Long Alternative Text Description Available Here.](#)

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

If you are looking for Open Educational Resources or other materials for your courses that are free to use for educational purposes, learn to do effective Creative Commons searches! You may find exactly what you need with the rights you need (Creative Commons license) available online for free. Visit [the Creative Commons website](#) for more information.

[Do Creative Commons licenses affect exceptions and limitations to copyright, such as fair use?](#)

No. By design, CC licenses do not reduce, limit, or restrict any rights under exceptions and limitations to copyright, such as fair use. If your use of CC-licensed material would otherwise be allowed because of an applicable exception or limitation, you do not need to rely on the CC license or comply with its terms and conditions.

[Attributions versus Citations:](#)

Think of citations as fulfilling an academic purpose and attributions as serving a legal purpose. Because they serve different purposes, you cannot replace one with the other, even though they have similar rules and parts.

- Citations have an academic purpose. They tell your reader where ideas that you quote, paraphrase, or summarize, came from.
- Attributions have a legal purpose. Writing an attribution statement is a legal requirement of reusing openly licensed works.

[So, that's good information, but how to I know when I should use an attribution instead of a citation?](#)

Below is chart (openly licensed through Creative Commons with an attribution below it) that breaks down when you use a citation versus an attribution.

	Citations	Attributions
Use with:	Quotes, summaries, paraphrases	Openly licensed content
Purpose:	Academic	Legal
If you don't:	Plagiarism	Copyright license violation
How to:	Follow MLA, APA, or other style guide	Include title, author, URL, and license (no official style guide)

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Where:	Style guide tells you where to put your citations	Put your attribution in the same place the work is used
Applies to:	Copyright, openly licensed, or public domain content	Only openly licensed materials

This chart used from [Citations vs. Attributions presentation](#) by Amy Hofer for Open Oregon Educational Resources is licensed under a [Creative Commons Attribution 4.0 international license](#).

For assistance with how to write good attributions, check out the following websites:

- [Open Washington Attribution Builder](#)
- [Creative Commons Best Practices for Attribution](#)



How do I get the Creative Commons License Icon to display on my materials?

If you are using a Creative Commons License in a handout, PowerPoint, or other non-website material, go to the [Downloads](#) section of the Creative Commons website. Under [downloads](#) you will find the Logos and Buttons (the Creative Commons License Icons). After you have downloaded the “button” you wish to use, paste it into your material/document!

If you are using a Creative Commons License online as part of a website or blog or other online format, go to the “[Share your work](#)” page and click on “Get Started.” [Create your license](#) on the following [page](#). At the bottom of this page, there is a section called “Have a Webpage? In this section there is code that will embed the License Icon along with a link to the license you have chosen on your webpage!”

Orphan Works:

“Orphan works” are older and more obscure works with minimal commercial value that have copyright owners who are difficult or impossible to track down. This inability to request permission from the copyright owner often means orphan works cannot be used in new works nor digitized, except when fair use exceptions apply.



Public Domain:

The term “public domain” refers to creative materials that are not protected by intellectual property laws such as copyright, trademark, or patent laws. The public owns these works, not an individual author or artist. Anyone can use a public domain work without obtaining permission, but no one can ever own it.

There are 4 common ways in which a work can enter the public domain:

- copyright has expired
- copyright owner failed to follow copyright renewal rules

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

- copyright owner deliberately places— or dedicates— their work to the public domain using a CC0 Creative Commons waiver
- copyright law does not protect this kind of work

Examples of works that copyright law does not protect:

- short phrases such as "make my day"
- facts and theories such as "a comet will pass by the earth in 2057"
- federal (and some state) government documents
- ideas (only expressions of ideas are protected, not the actual idea itself)

That's a lot of information to try and process. To make things a little easier, try visiting one of these excellent resources that can assist you with identifying if something is or is not in the public domain.

- [Copyright Genie](#)
- [Cornell Copyright Chart](#)

Licensed Material:

The Library subscribes to many databases and other resources that are available to faculty, students, and staff. These materials are typically licensed content that grant authorized users certain privileges. In most cases, licensed material will allow you to use that content in your class without needing to perform a fair use analysis or rely on other exceptions to copyright laws. Remember, copyright exceptions only apply to the copyright laws and cannot be applied to licensed content agreements.

Using Library resources is a great way to give your students access to copyrighted content. However, the right to use the content does not give you the rights to the intellectual property for the content. Unlike content with Creative Commons licensing, you will not be able to modify Library content or share it beyond the students in your class.

Some content providers still ask that you provide attribution or specify ways the material can be shared. Please review the terms and conditions of the licensed material you want to use to ensure you are using the resources appropriately.

See the [Library's webpage](#) for more information or to search for content.

Chafee Amendment:

The [Chafee Amendment](#) to the Copyright Act allows nonprofit institutions to create accessible copies of published non-dramatic literary works. However, the copies can only be used by the person needing the accommodation. This amendment does not cover video, music, or other multimedia materials.

For more information, see Ohio State University's Copyright Corner blog, [Copyright and Accessibility](#).

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

DMCA Exceptions:

The [Digital Millennium Copyright](#) Act (DMCA) of 1998 created new limitations in using digital content. It made circumventing technological protections, like breaking DRMs or other encryptions, a copyright violation. However, there are exceptions to the DMCA that permit circumvention without it being a copyright violation. The exceptions are reviewed every three years by the Librarian of Congress and may change slightly over time, so please make sure to review them periodically.

For more information, see the University of Minnesota's guide to [Multimedia Use and Transformativeness](#) and Ohio State University's Copyright Corner blog, [New DMCA Exemptions](#).

Teach Act:

The TEACH Act refers to [Section 110 \(2\)](#) of the Copyright Act. It creates some exceptions to use videos in an online environment. Similar to other exceptions, the TEACH Act has several conditions in order for a particular use to qualify for the exception. The Act doesn't cover print materials like journals or print books.

For more information, see the University of Missouri-Kansas City [Copyright Research Guide](#).

Permissions:

You will need permission to include works in your course packs, to add items to the Reserve and e-Reserve collection, and in other educational settings. There are different ways of obtaining permission to use copyrighted work.

If you are creating a course packet that will be available through the Book Store then contact the [Book Store](#) for assistance with copyright clearance for those materials.

Who owns what?

Permission can sometimes be difficult to obtain because copyright ownership is not always straight forward. The content creator may be the original copyright holder, but they most likely sold the rights to the publisher/producer when the work was commercially produced. They may still own the copyright to the unpublished version of their work, but not the published version.

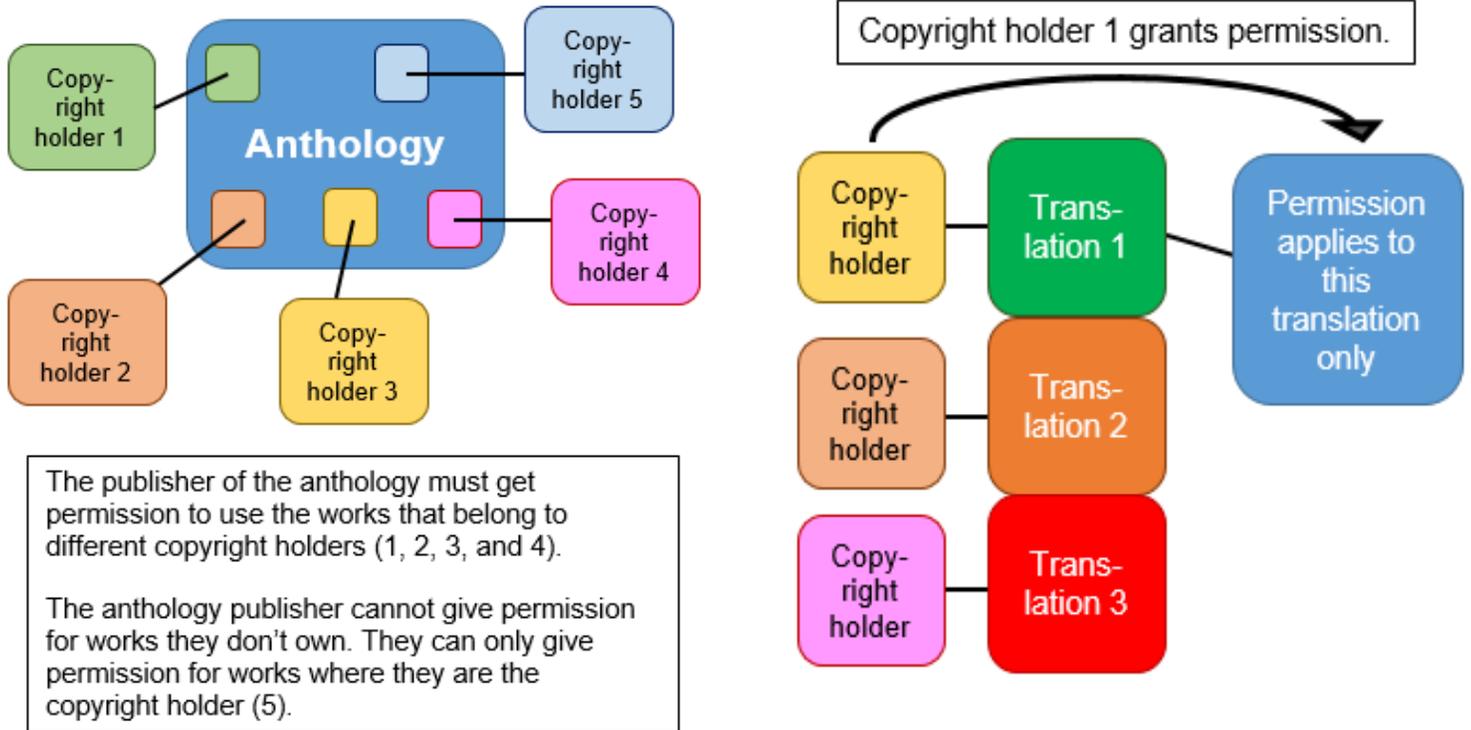
Anthologies are another complex ownership area because the publisher of the anthology may not own the copyrights to the individual works in the anthology—they needed permission to use them, too!

Translations, annotated editions, abridged editions, and sequential editions are also complex because permission is typically only given for the version of the work you have. So, if you have permission to use the Wordsworth Classics translation of *Anna Karenina*, then it only applies to that translation and that permission wouldn't work for the Penguin

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Classics translation of *Anna Karenina*. When you request permission, it is only for a specific version of the work created by a specific entity.

Complex Copyright Ownership and Permissions:



Printed Works

Contact the publisher for printed works. You will need to provide the title, edition, pages and/or chapters you want to use, and how you intend to use the material. You will need to determine who owns the copyright and contact the appropriate publisher in to obtain permission.

Permission may also be obtained to use printed work through the [Copyright Clearance Center](#) (CCC). The CCC works with publishers to obtain permissions to use copyrighted titles. The CCC offers licenses to academic institutions and businesses that allow them to take advantage of the negotiated permissions. You will still need to provide the same information to the CCC as you would to the publishers.

Contact the [Library](#) for assistance using the Copyright Clearance Center.

Videos/DVDs

Contact the producer of the video to use their works. You will need to provide the title, amount of the work used, and intended use when you request permission.

The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to Salt Lake Community College, please contact the Office of the General Counsel.

Submit a [ticket](#) to stream if you are unable to contact the producer or have other issues obtaining permission.

If you wish to use a video outside of the classroom setting, you may need public performance permission. Contact [Student Life and Leadership](#) if you need assistance with public performance rights.

Images

Check to see who owns the copyright of the image first and contact the appropriate copyright holder for permission. You will need to provide the title (if known), creation date, and intended use in the request.

Music

Check the College's BMI, SESAC, and ASCAP licenses first to see if the music and your intended use are covered by one of the licenses. If the licenses do not cover what you need, contact the producer with the title, version/rendition of the song, and intended use in the request.

Cease and Desist Letters:

If you receive a cease and desist letter, the first thing to remember is not to panic. This happens more often than you think. Your first action should be to contact the Office of the General Counsel at Salt Lake Community College. They will help you assess the letter and guide you through the process.

You may need to issue a cease and desist letter if you feel a person or entity is using your content without permission. Contact the Office of the General Counsel at Salt Lake Community College for assistance with this process.