Using Course Management Systems: Guidelines and Best Practices for Copyright Compliance

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The movement to course management systems

Industry experts estimate that more than 90% of U.S. colleges and universities use course management systems. These systems are used to post and distribute tens of thousands of copyrighted articles, book excerpts, charts and research data every year. Although many institutions are working hard to address intellectual property issues associated with such usage, copyright policy for course management systems remains inconsistent across campuses and among individual users.

Best practices and guidelines for copyright and course management systems

As course management systems and other technologies make copyrighted content more easily accessible by faculty, staff members and other campus personnel, establishing campus-wide policies for the lawful use of content is becoming increasingly critical. The following principles summarize key guidelines and encapsulate examples of best practices followed by many academic institutions regarding the posting and management of copyrighted content in course management systems.

- **Online doesn't mean "free"** – Widespread use of the Internet has fostered misconceptions concerning the lawful use of copyrighted information in electronic form. In short, the same copyright rules apply. Simply because content is placed online in a course management system does not mean it is free from copyright protection. Unless fair use or another exception applies, make sure you have permission before posting content.

- **Limit course materials to small excerpts** – Most experts advise using a single article or chapter, or less, of a copyrighted work, but even brief excerpts must be viewed in the overall context of other readings offered for a course. If the total effect is to create a compilation or "digital coursepack" of unlicensed materials, the case for treating individual excerpts as fair use is significantly weakened and permission should be sought.

- **Course management system postings require the same permissions as coursepacks** – While there are obvious savings — financial and environmental — in eliminating paper copies or coursepacks, traditional copyright rules still apply when using digital technology such as course management systems:when fair use does not apply, the institution must obtain permission from the rightsholder or its agent, who may charge a fee for such permission based on the amount of content and the number of people, usually students, who will view the content.

- **Course management systems are not a substitute for the purchase of coursepacks and textbooks** – It violates the intent, spirit and letter of the law to use course management systems as a substitute for the purchase of books, subscriptions or other materials when substantial portions of the material are required for educational purposes.

- **Article links** – Providing a link to the content in an online database subscribed to by the institution's library is allowed under copyright law provided the user is a current member of the institution.

- **Get permission before posting** – You must secure copyright permissions prior to posting content. Reposting of the same material for use in a subsequent semester requires a new permission.

- **Passwords are a good start** – Restricting access to copyrighted content in course management systems through passwords or other authentication measures is a helpful, good-faith practice because rightsholders typically grant permission and charge fees based on the number of students enrolled in a course. In fact, these types of protections may make rightsholders more likely to grant permission, since they provide a greater level of control than do paper coursepacks. Still, the use of authentication measures, such as passwords by themselves, is not enough to satisfy the fair use standard, and permission is still required prior to use of the content.

- **Know what you've paid for** – Reuse rights included in subscriptions vary greatly by publisher. Be sure to check your license's terms and conditions to determine if the rightsholder has granted you permission to post the copyrighted work within a course management system. This can alleviate the need to request permission and ensure you don't pay twice for rights you already hold.

- **Work from authorized originals** – When scanning in paper materials (such as textbooks) to create electronic copies, be sure that you are working from legally obtained original copies of the work, either purchased or owned by the institution.

- **Remove expired course materials promptly** – Make sure you take down (or remove access to) copyrighted materials for a particular class when the term concludes.

- **Include copyright notices** – Materials posted in a course management system should contain both the copyright notice from, and a complete citation to, the original material, as well as a clear caution against further electronic distribution.

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Started in 1978, CCC creates innovative licensing solutions that help businesses get permission to use copyright-protected materials while compensating authors, publishers and other content creators for the use of their works. CCC serves organizations of all types and sizes, including 400 of the Fortune 500 companies, and licenses more than 20 million content users in over 180 countries.

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