Frequently Asked Questions about Copyright

TEXTBOOKS

Q: May I copy a chapter of the course textbook for a student whose textbook hasn’t yet arrived?
A: No. Instead, consider loaning the student a textbook for one week. Another option would be to put the textbook on loan in the library or elsewhere for students to access until their book comes in.

Some clarifying points are:

- Staff are NOT allowed to make copies of chapters for textbooks for students. This is a violation of copyright.
- If Ambassador has zero inventory on-hand, Ambassador requests overnight shipping from the publisher and once received, Ambassador overnight ships the book to the student. The whole process is likely to take 3-5 business days.
- If Ambassador has a back order on a title and the publisher cannot fill it immediately, contact the NAU Bookstore (bookstore@national.edu), and arrangements can be pursued with the publisher to provide a PDF of the 1st few chapters.

PUBLIC DOMAIN

Q: Are copyright restrictions the same for “nonprofit” as they are for “for-profit” educational institutions?
A: No. “Nonprofit” educational institutions have more rights to use copyrighted material than “for-profit” institutions. For example, the TEACH Act does not apply to “for-profits.”

Q: May I use Google images to enhance my presentation?
A: No. Google does not own the rights to the images displayed. The images themselves are owned by individuals or other entities.

Q: May I link to YouTube videos indiscriminately?
A: No. Linking may be acceptable, but you must exercise due diligence to ensure that the person who uploaded the video owns the copyright. When linking to YouTube, give credit to the creator of the YouTube video.

REFER TO:
https://mynau.national.edu/Resources/Copyright/YouTube%20Copyright%20Flowchart.pdf
Q: Can I link to a TED Talks video in D2L?
A: **It depends.** You cannot link directly to a video from the TED.com or other TED websites. Their terms-of-use do now allow it. However, if TED chooses to upload a video onto YouTube, YouTube’s terms-of-use allow us to direct link to it. You can also give students directions to find a TED talk.

Q: Are we allowed to embed YouTube videos in online courses?
A: **Yes.** Embedding YouTube videos is permissible as long as you do due diligence to make sure the content was not uploaded illegally and honor any embedding requirements of the owner.

REFER TO: [https://mynau.national.edu/Resources/Copyright/YouTube%20Copyright%20Flowchart.pdf](https://mynau.national.edu/Resources/Copyright/YouTube%20Copyright%20Flowchart.pdf)

Q: Can I link to Khan Academy in our D2L curriculum?
A: **Yes.** NAU has received permission from Khan Academy to link to their resources as long as we don’t charge extra for use of their resources.

Q: May I use or link to anything that is in the “public domain?”
A: **Yes.** BUT, be sure you know what “public domain” is. Just because you find it on the internet does not mean it’s in the “public domain.” Generally, material found on federal websites is in the public domain, unless otherwise indicated. However, that is not necessarily the case for state or local government websites.

Q: Is everything that is on the internet in the public domain?
A: **No.** Copyright laws protect items posted on the internet, the same as if the item were in a hardcopy publication. Public domain applies to intellectual property where the copyrights have expired such as works of Shakespeare, the King James Bible, and Moby Dick.

PUBLIC DOMAIN DEFINITION:
“Public domain” is a designation for materials which are not owned by anyone, and therefore not protected by copyright.

A work may be in the public domain if:

- it was created before copyright laws (example: the Bible),
- its copyright protection has expired (example: Nineteen Eighty-four by George Orwell),
- it never did have copyright protection or it lost its protection (example: a work published before March 1, 1989, and did not carry a copyright notice),
• it was dedicated to the public domain.

Plus, the following items are never covered by copyright:

• materials created by the U.S. government (except under contract).
• reprints of works in the public domain (but a license may restrict use.)
• ideas, facts, and common property (i.e., calendars and phone books)
• federal laws and court decisions
• words, names, slogans, and phrases
• most blank forms
• recipes, discoveries, procedures, and systems (but not the words that describe them.)

If the material does not fall into one of the above categories and was published after 1988, it is not in the public domain. After a certain period of time, some works enter the public domain. How long that is depends on when the work was created. F

Just because an item is old, it doesn’t mean that it is part of the public domain. If you're uncertain, get permission from the creator or owner to use.

TERMS OF USE

Q: Are facts ever covered under copyright laws?
A: The facts themselves are not, but the presentation of the facts may be. For example, the alphabetical listing of names in a phone book is not protected by copyright. However, the yellow pages are, because there is some creativity in how facts in the ads are displayed.

Q: Does the Fair Use doctrine allow me to legally use this material as a for-profit educator?
A: No. Just because you intend to use material for educational purposes does not mean that it automatically qualifies for fair use protection. Because National American University is a for-profit educational institution, fair use should rarely be relied upon as a basis for using copyright-protected materials.

COPYRIGHT OWNERSHIP

Q: May I present a portion of a DVD I purchased for personal use in my classroom?
A: No. “Public Performance Rights” must be secured before showing any DVD in a classroom setting or online. Note the FBI Warning that appears at the beginning of most DVDs.
Q: If I unintentionally use copyrighted material without permission, am I personally liable?
A: Yes. Individuals within an institution who use copyrighted materials, including documents, videos, or graphics, without permission may be personally liable, subject to civil penalties and NAU sanctions.

TRUSTED SOURCES

Q: Is it okay to use material from the internet that is licensed for “Educational, Non-Commercial Use” under “Creative Commons” in my classroom?
A: No. “Creative Commons” is a resource website. Its licenses provide a flexible range of protections and freedoms for authors, artists, and educators. There are different levels of “Creative Commons” licenses. Even though NAU is an educational entity, it is also a for-profit commercial business. It cannot use licenses that are granted for non-commercial purposes, so you need to read the fine print. Refer to http://creativecommons.org/licenses/.

COMMON SENSE

Q: If I developed a course for another for-profit university and intend to use that for my course at NAU, can I do so because I automatically own the copyright?
A: No. The institution for which you wrote the course might own the copyright and further investigation is necessary.

Q: If I have written for permission to use an article in my course, may I go ahead and duplicate the article for my students while awaiting a reply?
A: No. You may not use materials until you have received the necessary permission.

Q: If I find that the “terms of use” allow for commercial (for-profit) use of downloading, on a non-governmental website, may I use it in my course without worry of violating copyright law?
A: Yes. It is also good practice to attribute the source.

MEDIA

Q: May I show a small portion of a movie from a DVD I own in my classroom?
A: No. DVDs have FBI Warnings at the start because they aren’t for public performance. Instead consider these options:
   o Try to find textbooks that include access to film clips
   o Advise students to find particular film clips on the web and come back and discuss
- Go to IMDB or other commercial websites and read their Terms of Use to determine if it is permissible to link to them
- Temporarily place a personal copy of a DVD in the library for students to borrow and view on their own
- Investigate resources available through your professional organizations or affiliations
- Advise students to get the movies from Netflix, RedBox, the public library, etc.
- Purchase the rights to view the movie clip from a vendor such as Swank Motion Pictures or Films Media Group

**IMAGES**

Q: How do I go about finding images that are copyright free for me to use?

A: Refer to this document: [http://arc.national.edu/library/docs/smeinfo/findingandusingimages.pdf](http://arc.national.edu/library/docs/smeinfo/findingandusingimages.pdf)

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