

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Copyright Q and A for Classroom Use

1. When preparing my lecture presentation, I scanned in copies of five illustrations from the currently required text book for use in my PowerPoint slides that I will present live in lecture and post on the Blackboard class website so that the students can follow along or use for reference at a later time. **Q:** Is it legal to change format from a printed text book to a digital presentation (a scanned in table from a text book) in PowerPoint?

A: Yes, but only for one year. After the first year, you must obtain permission from the publisher to continue to use these digital illustrations in your class even if access to them is restricted by password control.

2. My required text book is late arriving in the bookstore and although all of my students are “required” to purchase the book none of them presently have the latest edition. I wanted them to read the first chapter and answer the questions at the end of the chapter before the first meeting. **Q:** Is it legal to scan in the first chapter of the required text book and post it on my blackboard web site since only students currently enrolled in my class have access to this web site through password control.

A: Yes, but only for one year. The students will have their own copy of the materials when they purchase the text book. You are not doing this to prevent sale of the book by the publisher but as a convenience to the students currently taking your class. However, if this happens again next year you must obtain permission from the publisher unless you use a different book or a different chapter of the same book.

3. The course text book is late and I want to copy the first six chapters (out of a total of 60 chapters) for the students to read while they await delivery of their textbooks at the bookstore. **Q:** Is it legal to copy more than one chapter of a text book to aid the students?

A: No. In this case, you would be copying more than 10% of the book – this would be illegal according to the Copyright law since it would be considered defeating the possibility of sales of the text book by the publisher.

4. I wrote a text book and wanted to use the illustrations (that I made!) in my lectures, on the Internet in my Website on Blackboard, etc. The publisher claims that this is illegal as THEY now hold the copyright. How can that be right? **Q:** Can I assume that since I wrote the book, I hold the copyright and can use it as I please?

A: No. In the case of a text book you wrote that is printed by a publisher, the usual contract agreement you signed would have made the publisher the copyright holder. You and anyone else must obtain written permission to use these copyrighted materials more than one time allowed by “fair use.” However, it is possible to negotiate publishing contracts where the

author retains the copyright and not the publisher. You need to check your contract and verify whether you or the publisher holds the copyright permission.

5. I wrote a scientific paper that is published in a scientific journal. I know that the journal holds the copyright permission but I have been using the review form of the paper to send to others. The publishers have told me that this is illegal. **Q:** Since I wrote a scientific paper can I should be able to use it anyway I want?

A: No. The copyright to the published paper and review documents belong to the publisher who makes money selling copies of your paper. You must obtain permission to use this work. In accepting their terms of publication you have agreed to this arrangement.

6. I found an issue of the journal that has a symposium that includes 8 papers on exactly the same subject that I want to discuss in my class next week. I want to scan in the entire issue as PDF files and put them in my blackboard course so that students can have easy access to these very relevant class materials. Only current students of my course will have access through password control. **Q:** Is it legal to copy (on paper or digitally) an entire issue or a part of an issue of a scientific journal for classroom use?

A: No. No more than one chapter or less than 1/10th of the publication can be copied or digitally reproduced. However, you can add a link to the journal on the library e-journal web page ([click here](#)) and each student can directly obtain a copy from there. This is legal because the Medical Center library has paid for a site license for students, faculty and staff to access these sources. It is legal for each person to obtain a copy for their personal use.

7. I made a PowerPoint slide set for use in my class lectures. I made all of the illustrations and slides myself; however, I did this work while employed as a professor at the Medical Center. **Q:** Is this a work product that belongs to the Medical Center or do I hold the copyright on my scholarly work?

A: Yes. As a professor you do hold the copyright on your own work according to Medical Center policy. The policy is stated under “Copyright” in the [Faculty and Staff Handbook](#) and included under “University Policies” on the [Copyright Portal](#) Web page.

8. I want to post the slides that I made on the Blackboard Internet server for the students to look at while they are in my class. The access to these slides is controlled by password and only enrolled students will be allowed. **Q: (a)** Is it legal to post my PowerPoint slides on the Internet server for the students to use? **(b)** What is to prevent the students from sending my slides all over the country via email or other means?

A (a): Yes. You can post the slides on Blackboard for your students since you hold the copyright (you made them all yourself). However, if your slides contain any material for which you do not hold the copyright, you may use them only one time before obtaining written permission. You CANNOT post your slides on the Internet if the slide set contains any material for which you do not hold the copyright and for which you did not obtain prior permission for this public display.

(b): Nothing currently possible can prevent the students from emailing your copyrighted course materials all over the world other than the fact that it is specifically against federal law (the TEACH act) for students to share class materials with those who are not currently registered for your class or to retain class materials (i.e. slides) beyond the enrollment period. A statement should be posted on your class website reminding them of this fact.

9. I found a lot of great pictures for my lectures using the Google Image Search but on their web site it states that images found on the web [including this HOT one: http://umbra.nascom.nasa.gov/eit/images/eclipse/williams/eit_20010621_1238_304.jpg] could be subject to copyright. I thought that an image posted on a public access website is considered in the public domain and can be used any way you want. **Q:** Is it legal to use an image (from the internet or anywhere) more than once without obtaining permission? What if it does not say on the website that the item is copyrighted? Is everything copyrighted?

A: No. The same rules apply to images taken from anywhere (Internet included), after a one time use, you must obtain written permission for reuse. YES, everything on the Web has an implied copyright, even if it is not written on the material or the website.

10. I found a booklet written in 1935 that I wanted to use in my class. I was unable to find the publisher to obtain permission as both the publisher and the author are out of business. I would like to use this in my class based on the assumption that I tried and failed to get permission as the agent was no longer available. **Q:** Is it legal to use a copyrighted item if the publisher and author are no longer in business or live in another country or left no forwarding address or whatever?

A: No. Publications prior to 1923 are in the public domain. This booklet is protected by copyright. This is called an “orphan work” and currently it is still illegal to use an orphan work unless the heirs of the author/publisher can be found and agree in writing to release it into the public domain. A law being considered by congress may reverse this ruling.

11. I want to use a digital copy of my grandparents wedding photo (taken in 1947 by Olin Mills Studios) in my class lecture and to send to my relatives. Olin Mills and my grandparents are long gone and there is no one to ask. **Q:** Is a professionally produced photo from a now closed studio in the public domain?

A: The photo is a work product of Olin Mills Studios which retains copyright authority although this is an orphan work it could be made legally available if the law is changed. You cannot legally copy or reproduce this photo currently.

12. I put a digital copy of a paper (that I have written permission from the publisher to use) on Blackboard for my students to read. Although this paper portrays one side of a legal argument we are discussing in class this week, one of the students sent the paper (via email) to his Momma in Rosedale, LA. I now have his parents and relatives emailing me in protest. **Q:** Is it legal for a student to share class materials with others who are not currently enrolled in the class?

A: No. It is illegal for a student to provide class materials (provided under password protection) to anyone who is not a currently enrolled student of that class.

13. I have stored on my hard drive and on my collection of CDs and DVDs a lot of documentary materials that I use in my classes. I am afraid that I may damage the discs.

Q: Can I make a legal backup copy of CDs, DVDs or computer files?

A: Yes and No. CDs and computer files can be legally backed up to CDs or DVDs by using a CD/DVD/RW drive in your computer. You may legally retain backup copies of your personal files if you do not share them with others. However, commercially prepared CDs and DVDs are copyright protected so that your computer software will not duplicate them.

14. I would like to re-use class materials that I have used in my Blackboard classes for the past several years. They are password protected and only my current classes have access to them. **Q:** Can I re-use the class materials on the Blackboard server year after year?

A: Yes and no. You can re-use only those materials for which you are the copyright holder. If you do not personally retain the copyright permission, you must write to the copyright holder and obtain written permission before you can legally use the material a second, third or how ever many more times, you plan to use it.

15. I am working on a research project with a colleague at another medical center. My colleague needs a journal article which is not provided by his library. Our library provides access to the e-journal. I have been downloading articles from our library Web site and emailing them to my colleague. I only send these to one individual and he uses these articles for our joint research project. **Q:** Am I correct that fair use permits me to do this without infringing the copyright law?

A. No. The fair use principle allows you personally to make use of information protected by copyright for your personal research, instructional and educational needs without paying royalty fees or purchasing the work. Fair use does not permit you to make a copy of a copyrighted work and distribute it to someone else without paying fees or requesting prior permission from the copyright holder to do this.