# Copyright Guidelines for MOOCs and other Public Online Courses[1]

This document provides copyright guidance to faculty who will be teaching massive open online courses (MOOCs), or any other public online courses in which there are participants outside of the Columbia community.

*Preliminary comments*

When developing a MOOC or other online course that will be distributed outside of the Columbia community, you must consider copyright issues relating to your use of content prepared or owned by third parties, as the general presumption is that permission must be obtained to use any such third party content. When teaching face-to-face in a live classroom on campus, there are exceptions in the law that allow instructors to use most third party materials, as long as the instructor is starting with a legal copy (even in a live classroom, an instructor may not show an unauthorized copy of a film downloaded from the internet without permission of the copyright owner). These exceptions do not apply when teaching courses online that are open to the public.

Copyright owners who discover their material being used without permission may file a copyright infringement claim with the MOOC service provider, e.g., Coursera, edX, the likely consequence of which is that the course will be promptly taken down from the MOOC provider's course website. This action by the MOOC provider would be in accordance with the provisions of the Digital Millennium Copyright Act (DMCA), which protects the MOOC provider from liability if the provider follows these "safe harbor" procedures of the DMCA. Removal of a course under such circumstances would of course be embarrassing to the faculty member, as well as to Columbia, and disruptive for participants in the course.

These guidelines are designed to assist you in understanding what content you can safely use in an online public course and how you might obtain rights to use third-party content, when permission is needed.

*What content can you include in your public online course?*

You may include in your course any content that you newly author or create for the course, as well as any content that you have previously authored or created, as long as you own the necessary rights in any previously authored materials (if previously created material has been published in a book or journal, for example, you may need permission from the publisher). If

---

[1] These Guidelines are based in large part on guidelines authored by Kevin Smith, Duke University, and Madelyn Wessel, University of Virginia, and on guidance developed by Stanford University.

you wish to use content authored by others ("third-party content"), you must obtain permission or a release from the third parties that grant to you and Columbia all of the rights necessary to use this content in your public online course. Third-party content includes any materials still under copyright protection, including textual material, videos, films, sound recordings, graphs, charts, artwork, photos, screenshots and clip art.

*If you wish to use third-party content in a MOOC, you have the following options:*

- **Permission:** Obtain permission. Obtaining permission can be a long process, so plan ahead. If you have a friend or colleague who has content that would suffice for your course, obtaining permission might be easier, but make sure the friend understands what you want to use the content for and that the friend owns the copyright and is authorized to grant permission. More on obtaining permission, and available resources is provided below.

- **Public Domain:** Use content that is in the public domain or available through Creative Commons license[2] or similarly licensed materials. Material that is in the public domain is no longer protected by copyright, typically because of how old the material is. Also, U.S. government works are in the public domain, as is work that the creator has released to the public domain. For a comprehensive guide to when works pass into the public domain, see http://copyright.cornell.edu/resources/publicdomain.cfm. There are also a number of websites offering material that is in the public domain, including the following:
  - http://www.public-domain-image.com/
  - http://www.pdclipart.org/thumbnails.php?album=37.
  - http://www.public-domain-image.com/
  - http://bottledvideo.com/
  - https://archive.org/details/movies
  - https://vimeo.com/creativecommons
  - http://search.creativecommons.org/
  - https://archive.org/details/movies

---

[2] For more information about Creative Commons licenses, See http://creativecommons.org/ Also, when obtaining a license, Columbia recommends getting a license covering for-profit, as well as non-profit uses. While a license for non-profit purposes may be sufficient for teaching many online courses, a broader license enables material to be re-purposed in the future, without your having to go back to the copyright owner with an additional permission request.

- **Link:** Provide a link to the website containing the third party content.  You may point students to the source of the materials you want to use, as long as you are pointing to a legitimate source.  In other words, beware of linking to a site hosting pirated copies of movies or music.  Also, the link should take students to another website, outside of your course website; do not embed the content from the linked site into the course website, so that the content appears as if it is content directly on the course website, as linking in this way could be copyright infringement.

- **Fair use:** Conduct a fair use analysis on a case-by-case basis, i.e., for each use of third-party content .  Fair use in the context of open access online courses is limited and should be relied upon as a last resort.  There are only two circumstances in which fair use should be considered as an option:
    - The content being shown in the course is being directly criticized.  For example, in a photography course, an image is used to illustrate the problems of over-exposing film.
    - The content is being used in a transformative way, which means that the purpose for using the content in your course is entirely different than the purpose of the original creator of the content.  For example, in a course about web design, it is acceptable to show a web screen shot to illustrate a particular web design technique.  Below is more information about fair use as it is applied to different kinds of content.
    - ***Images (including graphs and charts).***  Third-party images should not be used unless the image or graph is integral to the point being made in the course, and there is no public domain or licensable image that would suffice to make this point.  Also, images should never be used that are designed simply to make a slide more aesthetically pleasing or to fill space.  If images are absolutely necessary to illustrate a point, and there is no alternative (such as finding a public domain image, obtaining permission from the copyright owner or creating an image yourself), the images should come from diverse sources.  Using multiple images from a single source would generally not be considered fair use.
    - ***Text.*** Using short quotations from articles or books is generally considered to be fair use.  Use of more than a short quotation, however, should probably only be done with the permission of the publisher. (See more on permission below this discussion of fair use.)
    - ***Film/video.***  In any use of film or video, a careful case-by-case fair use evaluation must be made. Whenever possible, linking to a video is preferable to showing the video directly.  For example, students could be directed to follow a link, view the video and then return to the lecture.  If use of a film clip is absolutely

necessary to make a pedagogical point, the clip should be as short as possible to make that point, with no additional portions of the clip added simply to make the course content look better.  The case for fair use is stronger when the film clip is intermingled with lecture material, *i.e.*, the film clip is interrupted with discussion, and the totality of the clip, both before and after discussion, is no longer than is absolutely necessary to make the pedagogical point.

- *Music/Sound*.  As with film and video, any use of music or other sound recording requires a careful case-by-case fair use evaluation.  "Popular" music should not be used without permission.  Use of older or classical music is somewhat less problematical than use of current music.  There are many sources of public domain sound recordings, and use of these is always preferable.  If use of copyrighted music is absolutely necessary to make a pedagogical point, the segment should be as short as possible to make that point.  Also, as with film, a stronger fair use case can be made if a music clip is interrupted by discussion and commentary  by the instructor.  A substantial clip of a sound recording that is not intermingled with instructor discussion should always be avoided.  As with film, whenever possible, linking to music is preferable to playing the music directly.  Students could be directed to follow a link, listen to the recording, and then return to the lecture.

- **More on permission**:
  - *For text*.   If you wish to use more than a short quotation from a book or article, permission from the publisher (not necessarily the author) may be required.  When possible, use text from your own works, as publishers are more likely to grant permission if the instructor is using his or her own published work.  Publishers are also more likely to grant permission if students are encouraged to buy the work being quoted.  Where possible, instructors should make such a recommendation and provide a link to the site where students can purchase the book or article.  Also, many articles may be available on an open-access repository like PubMed, or a university open access website, like Columbia's Academic Commons,  in which case, no permission would be needed.

  - *For images, video and sound.*  Go to the website of the publisher of the image or other material you wish to use and search for a link to "copyright"  or "contact us".  These links generally provide instructions for seeking permission.  Many images and other content can be licensed for a fee.  The budget for your course may include money to cover license fees.  Below are some websites for finding images and photography that can be licensed:

iStockphoto: http://www.istockphoto.com/stock-
Getty Images: http://www.gettyimages.com/corporate/licenseinfo.aspx
Corbis:  http://www.corbisimages.com/
Cartoons: http://www.cartoonstock.com/

For further assistance in finding resources for third-party content that may be used, and in obtaining licenses for use of third-party material, please contact Rina Pantalony, Director of the University's Copyright Advisory Office, rina.pantalony@columbia.edu.  The Copyright Advisory Office also works with the Office of the General Counsel to assess rights issues regarding the use of third-party content.

You must keep detailed records listing all third-party content your course includes, and the status of such content, in terms of your right to include the content in your course, i.e., permission from the copyright owner/in the public domain/fair use/ownership.  The University, principally the Copyright Advisory Office and the Office of the General Counsel may review these records to determine whether third-party content has been properly cleared.