

Here is a message on copyright and D2L from Gary Hunter, System Director for Intellectual Property

Hello Colleagues,

I received multiple inquiries about faculty transitioning their face-to-face (F2F) courses to online. The primary question is how much can they copy and upload to D2L? After discussing the matter with General Counsel, I am providing the following guidance on the copying of materials.

While a COVID-19 pandemic doesn't create copyright exceptions, more than normal copying can be supported by fair use, the TEACH Act, or a combination of the two. In the past, we have tended to use the minimum application of fair use and the TEACH Act (e.g., 10% or 1-2 chapters). In the current times, we are looking at the maximum amount of materials that may be copied using these two provisions of the Copyright Act. While the exact amount is unknown, larger than normal amounts of copying may occur, just try to limit it to the amount necessary to transition the F2F courses to the online format. Don't worry about faculty being more assertive in the application of fair use and the TEACH Act.

Please ask the instructors to do the following:

1. Use the *Fair Use or Teach Act checklists* on the [IP Tools & Forms website](#) to ensure the copying & uploading of copyrighted materials to D2L is justified by fair use or the TEACH Act.
2. Limit student access to the copied materials, such as through D2L,
3. DO NOT upload copies of copyrighted materials to public websites,
4. Advise students not to redistribute the copies of copyrighted materials, and
5. Remove access to the copied materials within a short time after the class ends.

Questions and concerns about copying course materials and textbooks should be submitted to Gary Hunter, System Director for Intellectual Property at gary.hunter@minnstate.edu.

Best regards,

Gary