Copyright is the legal framework for ownership of written works, paintings, sculptures, photographs, videos, recorded music, sheet music, computer programs, video games, architectural design, and choreography. Copyright limits the circulation of such works to the creators as well as distributors to whom they transfer licenses.

Introduction

These guidelines provide a starting point for faculty members who are creating lectures for open online courses, especially MOOCs. Here are four critical factors that you should keep in mind:

- Lecturing in an open online environment is different from teaching live in the classroom. Many of the exceptions that allow educational use of copyrighted materials may not apply readily in open online lectures, which may be comparable to a commercial or broadcast use.
- Just because an image or media file can be easily accessed (on the Web for example), does not mean it can be freely used.
- Claims of ownership that materials may be freely used should be treated with skepticism and subjected to further research.
- Due to the nature of open online lectures, when actual terms of use for some materials are investigated, incorporation of these materials may be prohibited or permissible only with a paid license.

A few examples:

- YouTube is intended for personal use. You should not download content unless you see a download or similar link, but you can link to YouTube content.
- Flickr accounts are intended for personal use and are not intended to be used for commercial purposes. However, a subset of Flickr photos that are licensed for commercial use can be found by searching Creative Commons for specific Flickr content that may be used for commercial purposes. [http://search.creativecommons.org/](http://search.creativecommons.org/)
- Wikimedia sets forth specific criteria for providing attribution: through hyperlink or URL to the article; through hyperlink or URL to an alternative, stable copy that is freely accessible and provides credit in an equivalent manner; or through a list of authors. Additionally, Wikimedia requires users to grant permissions to re-use and re-distribute any derivative works.

Fair Use in Open Online Lectures

Because MOOCs are a recent development, best practices and legal precedents are only beginning to evolve. In general, the context or the purpose of the use matters a great deal. To reduce risks, Princeton faculty should follow these guidelines incorporating third-party content into open online lectures.

Third-party material means any content that is not self-created, such as texts, photos, graphs, charts, artwork, screenshots, clip art, trademarks, videos and music.
Princeton takes the position that direct analysis of an image or recording, or using one for active demonstration or illustration, in the teaching context is ordinarily defensible as **fair use**.

- The incidental appearance of copyrighted materials, for example in the **background** of an image, in a work is a fair use.

- Using copyrighted materials primarily for entertainment (to amuse or break the ice) or for aesthetic and decorative purposes (to enliven or beautify the visual/auditory experience) in teaching is most likely not a fair use and requires clearance.

### Attribution
As in any form of academic publishing, attribution is essential. Whether or not the materials are still under copyright, the sources for all third party materials should be appropriately credited on screen. Material found on the web must be used consistent with any applicable restrictions including specific phrasing for attribution.

### Process
For University-supported initiatives, the Library will work with faculty to review all images and multimedia materials that are incorporated into open online lectures. Where necessary, the Library will seek copyright clearances. However, because it is costly and sometimes impossible to purchase rights for use in an open online course, materials that require no additional clearance should be preferred whenever possible. Also, because copyright research is a time-consuming process, third-party materials should be submitted for research as far in advance of lecture recording as possible. If a use is deemed outside “fair use” and rights cannot be obtained, the professor will need to remove the materials from the lecture or find a substitute before videotaping.

### Materials That Will Require No Additional Clearance or Research
Examples of third-party materials that may be freely used include:

1. Works you create yourself and for which you are the only copyright holder
2. Works in the **public domain**.
   - Works created by the U.S. Government
   - Works for which **copyright protection has lapsed** due to time, failure to attach notice, failure to
renew, etc., including:

- Materials published before 1923
- Materials published without a copyright notice between 1923 and 1989
  - Works expressly donated to the public domain

3. Permissively licensed materials:
   - Images in the Bridgeman Education Database because Princeton’s license permits their use in online courses
   - Works published under Creative Commons Attribution (CC BY) or Attribution-ShareAlike (CC BY-SA) licenses that allow re-use for commercial purposes. See [https://creativecommons.org/licenses/](https://creativecommons.org/licenses/)

**Materials That Will Require Case By Case Analysis**

Because certain copyright owners aggressively police the use of their materials, it may be better to avoid the following unless they are the subject of explicit, instructional scrutiny and discussion in your online course. The use of these materials may involve license fees, which may or may not be prohibitive.

1. Popular movies, television shows, and songs
2. Cartoons
3. Trademarks
4. Images distributed by commercial agencies like Getty Images and AP Images
5. High-resolution, whole images to be shown full-screen or in PowerPoint slides available for download

*For additional recommendations on finding resources or interpreting copyright restrictions, contact the Library at moocrsvs@princeton.edu.*

Click [here](#) for sample attribution formats
Click [here](#) for instructions for
**Questions?** moocrsvs@princeton.edu