CCC
Copyright Clearance Center

Whitepaper

Using Learning Management Systems

Guidelines and Best Practices for Copyright Compliance

Learning management systems (LMS) are a staple in education, from K-12 to colleges and universities. In early 2020, the dependence on learning management systems, e-reserves, and email to share digital content, grew exponentially when the learning environment changed from in-person to remote due to the pandemic. These systems are used to post and distribute tens of thousands of copyrighted articles, book excerpts, charts and research data every year. Although many institutions are working hard to address intellectual property issues associated with such usage, copyright policy for learning management systems remains inconsistent across campuses and among individual users.

Best practices and guidelines for copyright and learning management systems

As learning management systems and other technologies make copyrighted content more easily accessible by faculty, staff members and other campus personnel, establishing campus-wide policies for the lawful use of content is becoming increasingly critical. The following principles summarize key guidelines and encapsulate examples of best practices followed by many academic institutions regarding the posting and management of copyrighted content in learning management systems.

- **Online doesn't mean "free"** – Widespread use of the Internet has fostered misconceptions concerning the lawful use of copyrighted information in electronic form. In short, the same copyright rules apply. Simply because content is placed online in a learning management system does not mean it is free from copyright protection. Unless fair use or another exception applies, make sure you have permission before posting content..

- **Limit course materials to small excerpts** – Most experts advise using a single article or chapter, or less, of a copyrighted work, but even brief excerpts must be viewed in the overall context of other readings offered for a course. If the total effect is to create a compilation or "digital coursepack" of unlicensed materials, the case for treating individual excerpts as fair use is significantly weakened and permission should be sought.

- **Learning management systems are not a substitute for the purchase of coursepacks and textbooks** – It violates the intent, spirit and letter of the law to use learning management systems as a substitute for the purchase of books, subscriptions or other materials when substantial portions of the material are required for educational purposes.

- **Article links** – Providing a link to the content in an online database subscribed to by the institution's library is allowed under copyright law provided the user is a current member of the institution.

- **Get permission before posting** – You must secure copyright permissions prior to posting content. Reposting of the same material for use in a subsequent semester requires a new permission.

- **Passwords are a good start** – Restricting access to copyrighted content in learning management systems through passwords or other authentication measures is a helpful, good-faith practice because rightsholders typically grant permission and charge fees based on the number of students enrolled in a course. In fact, these types of protections may make rightsholders more likely to grant permission, since they provide a greater level of control than do paper coursepacks. Still, the use of authentication measures, such as passwords by themselves, is not enough to satisfy the fair use standard, and permission is still required prior to use of the content.

- **Know what you've paid for** – Reuse rights included in subscriptions vary greatly by publisher. Be sure to check your license's terms and conditions to determine if the rightsholder has granted you permission to post the copyrighted work within a learning management system. This can alleviate the need to request permission and ensure you don't pay twice for rights you already hold.

- **Remove expired course materials promptly** – Make sure you take down (or remove access to) copyrighted materials for a particular class when the term concludes.

- **Include copyright notices** – Materials posted in a learning management system should contain both the copyright notice from, and a complete citation to, the original material, as well as a clear caution against further electronic distribution.

The most convenient way to get permission from thousands of rightsholders to share information with students, colleagues, alumni, the media, and more.

The best way to secure copyright permission for your learning management system postings and more

Copyright compliance solutions from CCC provide academic institutions of higher education with the most convenient way to get permission from thousands of rightsholders to share information with students, colleagues, alumni, the media, and more.

For permission to use content on a pay-per-use basis, please visit CCC **Marketplace** (marketplace.copyright.com). You can also request article reprints and ePrints on the site.

For campus-wide copyright coverage, the **Annual Copyright License for Higher Education** provides the broad rights faculty, researchers, staff and students need to reuse and share copyrighted content while respecting intellectual property rights.

In addition to learning management system postings, the license enables the reuse of content in:

- E-reserves postings

- Print and digital coursepacks and classroom handouts

- Campus-wide email and administrative photocopying

- Research, scholarly collaboration and more

CCC (Copyright Clearance Center) provides copyright licensing and content solutions for the world's most sought-after books, journals, magazines, newspapers, and more. For 30 years CCC has served academic institutions of all types and sizes by providing innovative solutions that enable educators, librarians, staff, and those that serve the academic market to use and share published content to enrich instruction while managing copyright compliance. As a not-for-profit organization, CCC aims to simplify licensing of content for use in academic settings, while compensating publishers and creators for the use of their works.

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