Copyright and University Course Materials - An FAQ

Recently an ECE faculty member alerted administration to an online company that offered his student payment in exchange for the student's hand-taken notes of the faculty member's lectures. That incident prompted the development of this FAQ, which addresses not only the practices of companies such as Grade Buddy, Chegg, and Course Hero, which deal in university course materials, but also relevant areas of U.S. copyright law and University of Illinois policy. Whether your reaction to this new kind of business enterprise is a yawn or a howl of indignation, it can't hurt to be a little better informed.

Keep in mind that copyright law is very fact-specific. As the facts change, the analysis often changes. The following is general information and is not intended to be legal advice or to create or modify campus or University policies.

**Who owns the copyright to materials I have written for university courses?**

According to the University of Illinois General Rules (Article III, Section 4), creators retain copyrights to their traditional academic works including class notes. The General Rules also enumerate some important exceptions such as works specifically commissioned by the University. Owners of copyright also have the power to sell or grant copyright to another (such as a publisher).

**What about a class lecture - do I have the copyright to that?**

Yes if the lecture is fixed in a tangible medium such as a transcript, audio recording, or video.

**How do I go about copyrighting my materials?**

Under current U.S. law, your course packet, lecture notes, presentation slides, etc., enjoy copyright protection from the moment they are created and fixed in a tangible form, whether or not you provide notice in the text. Nevertheless, it may be helpful to alert readers to the copyright by including the following notice on the first page or inside front cover of a packet or set of lecture notes, the first slide of a presentation, or the first few seconds of a video:

*Copyright 20xx Creator/Owner Name* or *© 20xx Creator/Owner Name*

You can also add language like the following immediately after the copyright notice:

*All rights reserved. Please obtain permission by contacting [contact information].*

If you want to be even more proactive, you can register your copyright with the U.S. Copyright Office, another voluntary step that may provide advantages in the event of future litigation.

**Can a student sell or distribute my copyrighted course materials?**

Not unless you give permission or the student's distribution satisfies a copyright law exception such as fair use. (For example, one class member sharing notes with another may be considered fair use.) Your works are protected not only by U.S. copyright law and the University's General Rules, but also by the University of Illinois Student Code, which addresses violations of U.S. law, including copyright law, in Article 1, Part 3, as well as the related issue of plagiarism in Article 1, Part 4.

**Can students sell their own class notes?**

It depends. While copyright law protects your lecture if it is fixed in a medium such as a transcript or video, that protection extends only to your original expression of the material and not to the content itself (i.e., facts and ideas). Provided the student does not plagiarize you (that is, pass off your expression as his or her own) or infringe on your copyright (by, for example, verbatim copying that exceeds fair use), the student's hand-taken notes from the lecture are generally considered an original creation to which the student owns the copyright. Companies like Grade Buddy and Course Hero rely on their contributors to be mindful of copyright law when making submissions.

**What can I do to help control the trade in course materials?**

Be vigilant in looking after your copyrights. And work to promote, among students and colleagues alike, an awareness of copyright issues and respect for the principles of copyright.

Following are some specific actions you can take:

1. Include the copyright notice specified above on the first page of all of your academic copyrightable course materials.

2. Include the following language (if accurate), or something like it, in your printed and electronic course information:

*Professor X owns the copyright to all course materials for ECE xxx, including the course packet, lecture notes, and presentation slides. Please refrain from uploading such course materials to any location from which they can be redistributed without authorization. Permission for use outside the class can be obtained by contacting Professor X at ...*

3. Discuss the issue with care in class. Don't let the discussion serve to advertise the offerings of businesses that deal in university course materials.

4. Be alert about companies that deal in university course materials, pay attention to students' use of your materials, and share your knowledge and advice with them and with colleagues.

**What do I do if I believe that my copyright has been infringed?**
Notify the infringing party in writing and provide documentation. All three companies mentioned at the beginning of this document provide contact information for parties who believe their copyrighted material is present on the site without authorization. If you provide proper notification and no action is taken, then you can consider whether further legal action is appropriate.

A complaint against a student can be pursued according the Student Disciplinary Procedures written by the Senate Committee on Student Discipline.

**What University resources are available to help me with all this?**

Your copyrights are your personal property and therefore your responsibility. Pursuant to the University’s General Rules, the Office of Technology Management can provide guidance on the boundaries between your personal legal responsibilities and those of the university. Staff in ECE Editorial Services can assist with the mechanics of inserting copyright language into your materials. And many informative copyright resources are available on the University of Illinois web site and beyond; here are a few:

- Chapter entitled “Intellectual Property” in the Office of Technology Management *Inventor's Handbook*
  http://otm.illinois.edu/disclose-protect/inventors-handbook

- Copyright Resources (University of Illinois Library)
  http://www.library.illinois.edu/bix/resources/research/copyright.html

- Copyright (University of Illinois Library Scholarly Commons)
  http://www.library.illinois.edu/sc/services/copyright/index.html

- Copyright Education & Consultation Program (CITES)
  http://blogs.cites.illinois.edu/library-copyright/

- University Library Plagiarism Resources
  http://www.library.illinois.edu/bix/resources/research/plagiarism.html

- U.S. Copyright Office (includes links to laws on the books)
  http://www.copyright.gov/