

Memo – Copyright and Moodle

The Hertie School does not intend to provide binding legal advice on German copyright law with this memo. However, we would like to draw your attention to some important legal framework conditions lecturers should by all means take into account when providing learning material on the e-learning platform Moodle. Each lecturer shall be responsible for compliance with copyright law.

Information on Copyright Law

In [sec. 52a Public Communication for Teaching and Research Purposes](#)¹, the German Copyright Act provides some exemptions for the benefit of research and teaching purposes. According to this regulation, it is possible to upload published works to a digital platform under certain conditions without the prior permission e.g. of the respective publisher.

Important is the **purpose**, i.e. "for illustration in class at ... university ... exclusively for a specifically **limited circle** of course participants"; therefore, the e-reserve on Moodle is always protected by a password so that the texts are only available to the students of the respective class. The digital texts must serve illustration purposes in class; the regulation does not apply to additional literature.

Unless where other agreements with the copyright holder exist or the work is no longer protected by copyright², the following published works may be **digitalized and made available**:

- **"small parts of a work "** (sec. 52a of the German Copyright Act), select pages, no more than 15 % of a monograph
- **"individual contributions that have been published in newspapers or periodicals "**, e.g. an article in a professional journal. (sec. 52a of the German Copyright Act)
- **"published works of small size"**, e.g. images, flyers, brochures of up to 25 pages at the most (sec. 52a of the German Copyright Act), a film of no more than five minutes in length

This limitation may not be circumvented by *successive* use.

Parts of a published work may not be exchanged by other parts of the same work in the course of a semester.

It is not allowed to digitalize:

- entire books
- entire magazine numbers

Case Studies (e.g. [Harvard Kennedy School](#)) are often subject to special regulations. Please contact the library at library@hertie-school.org

¹ The federal states and the collecting society are still arguing about the amount of the remuneration according to sec. 52 a (4) and how evidence about the material used should be provided § 52a is currently applicable until the end of 2012.

² **70** years after the death of the copyright holder, **25** years for scientific works.