

## **POLICY GOVERNING THE USE OF COPYRIGHTED MATERIAL**

- I. **Policy Statement:** Auburn University is committed to complying with the laws protecting the rights of copyright holders while recognizing that those rights permit the fair use of copyrighted materials. The employees and students of the university bear the responsibility to make informed decisions regarding the use of copyrighted materials and are obligated to comply with Federal Copyright law ([Title 17 U.S. Code](#)).
- II. **Policy principles:** United States copyright law gives authors of original works a limited right to control how others use their works. In general, use of copyrighted work (reproduction, distribution and/or display) requires the written permission of the author unless:
  - a) the work is in the public domain,
  - b) copyright has expired and thus is in the public domain or
  - c) the use meets a statutory exception as defined by Title 17 of U.S. Code (e.g. Classroom Exceptions, TEACH Act, Fair Use, etc.).

Copyright law can sometimes be confusing. The Office of Innovation Advancement and Commercialization and the library staff are available to assist in making decisions regarding the use of copyrighted materials.

- III. **Effective Date** (upon adoption)
- IV. **Applicability** This policy applies to all employees and students of Auburn University and to all copyrighted material.
- V. **Policy Management:**
  - i. **Responsible Offices:** The Office of Innovation Advancement and Commercialization
  - ii. **Responsible Executive** The Vice President for Research
  - iii. **Responsible Officer:** Director, Office of Innovation Advancement and Commercialization

## **VI. Definitions:**

See "Creation of Copyrighted Materials Policy" for applicable definitions.

## **VII. Policy Procedures: Use of Copyrighted Material**

Securing Permission for the Use of Copyrighted Materials. Outside of Fair Use, other applicable statutory exception, or license agreement, anyone who wishes to use a copyrighted work as a part of the creation of scholarly, instructional, or work-related media must either obtain written permission from the copyright owner of such work, or obtain an appropriate license that permits the desired use. Such licensed use may require a fee or a royalty. Authorization by the copyright holder for permission of use must be given in writing, and retained in the user's records.

Using Copyrighted Materials Under Statutory Exceptions. The Copyright Law permits limited use of copyrighted materials under certain circumstances. These circumstances can be found in the following sections:

- [Fair Use](http://www.copyright.gov/title17/92chap1.html#107) (<http://www.copyright.gov/title17/92chap1.html#107>)
- [Reproduction by libraries and archives](http://www.copyright.gov/title17/92chap1.html#108) (<http://www.copyright.gov/title17/92chap1.html#108>)
- [Effect of transfer of particular copy or phonorecord](http://www.copyright.gov/title17/92chap1.html#109) (<http://www.copyright.gov/title17/92chap1.html#109>)
- [Exemption of certain performances and displays](http://www.copyright.gov/title17/92chap1.html#110) (<http://www.copyright.gov/title17/92chap1.html#110>)
- [Secondary transmissions of broadcast programming by cable](http://www.copyright.gov/title17/92chap1.html#111) (<http://www.copyright.gov/title17/92chap1.html#111>)
- [Ephemeral recordings](http://www.copyright.gov/title17/92chap1.html#112) (<http://www.copyright.gov/title17/92chap1.html#112>)
- [Computer programs](http://www.copyright.gov/title17/92chap1.html#117) (<http://www.copyright.gov/title17/92chap1.html#117>)
- [Secondary transmissions of distant television programming by satellite](http://www.copyright.gov/title17/92chap1.html#119) (<http://www.copyright.gov/title17/92chap1.html#119>)
- [Reproduction for blind or other people with disabilities](http://www.copyright.gov/title17/92chap1.html#121) (<http://www.copyright.gov/title17/92chap1.html#121>)
- [Secondary transmissions of local television programming by satellite](http://www.copyright.gov/title17/92chap1.html#122) (<http://www.copyright.gov/title17/92chap1.html#122>)

Anyone who wishes to use copyrighted materials within the scope of these exceptions must be able to document their justification or rationale for meeting the terms of the exceptions.

#### Retention of Records.

The following policy statements are for the protection of Auburn University employees and students in the event that their use of copyrighted materials is called in to question.

- a. Persons who have received explicit permission to use copyrighted materials, shall retain the record of these permissions in accordance with the University's record retention guidelines.
- b. Persons who are using copyrighted materials under one of the statutory exceptions, shall retain a written justification for this use in accordance with the University's record retention guidelines.
- c. These records must be made available upon request.
- d. If an item that contains copyrighted material becomes wholly or partly the property of Auburn University then a copy of the permission to use or the justification for use of the copyrighted material must be stored with The Office of Innovation Advancement and Commercialization.

#### **VIII. Sanctions.**

- a. Failure to abide by this policy may place the employee or student in legal jeopardy.
- b. In compliance with Copyright law, unauthorized use of copyrighted materials in Auburn University websites or in any website stored on Auburn University servers is prohibited. Auburn University will fulfill all of its obligations to protect the rights of copyright owners under the relevant federal laws, which may include the removal of content suspected of infringement from University servers until the situation is resolved.

IX. **Exclusions.** There are no exclusions. This policy applies to all employees and students of Auburn University.

X. **Interpretations:** Disputes about interpretations of the policy and procedures should be addressed to the Vice President for Research by the

aggrieved party for resolution, with a provision to appeal the decision to the Auburn University President.