



Use of Copyrighted Materials

Ad hoc Copyright Policy Revision Committee

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We could read it to you...

POLICY GOVERNING THE USE OF COPYRIGHTED MATERIALS

- I. **Policy Statement:** Auburn University is committed to the laws protecting the rights of copyright holders and to the rights permit the fair use of copyrighted materials. Students of the university bear the responsibility for making decisions regarding the use of copyrighted materials and must comply with Federal Copyright law ([Title 17 U.S.C.](#))
- II. **Policy principles:** United States copyright law grants copyright holders a limited right to control how others use their works of copyrighted work (reproduction, distribution, etc.) without written permission of the author unless:
- a) the work is in the public domain,

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 the 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 obtained.

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.

http://www.auburn.edu/administration/governance/senate/website/minutes/2015-2016/Current_2015-16.html

- IV. **Applicability** This policy applies to all employees of Auburn University and to all copyrighted material.

V. Policy Management:

- i. **Responsible Offices:** The Office of Innovation and Commercialization
- ii. **Responsible Executive:** The Vice President for Research
- iii. **Responsible Officer:** Director, Office of Innovation and Commercialization

VI. Definitions:

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

or failure to comply with 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. Violations of this policy may result in disabling the website until the offending material is removed.

- 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.

In a Nutshell...

- Auburn University is committed to complying with the laws regarding copyright. **AND**
- Expects employees and students to comply with the laws regarding copyright. **BY...**
- Making informed decisions regarding the use of copyrighted materials **AND**
- Keeping a record of how those decisions were made.

On a Day-to-Day Basis...

- If you are using copyrighted materials in
 - Teaching
 - Research / Publication
 - Learning Activities (students)
- You must have permission to use those works, **UNLESS**
 - The item is in the public domain
 - The copyright for that item has expired (thus being in the public domain)
 - Your use meets one of several exceptions written into copyright law

<http://www.copyright.gov/title17/92chap1.html>

Fair Use – a Statutory Exception

...the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

Other Exceptions...

- “Certain performances and displays”
 - Classroom use of video
 - TEACH Act – Distance Education efforts
- Several others, such as...
 - Libraries
 - Computer Programs
 - Reproduction for blind or other people with disabilities

<http://www.copyright.gov/title17/92chap1.html>

Employee/Student Responsibility...

- Make informed decisions
 - Office of Innovation Advancement and Commercialization
 - AU Library (resources, not legal advice)
 - Website (To be developed)
- “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.”
- Retain record of justification/rationale according to University record retention policy (3-7 years, depending on the type of document)
 - IAC Office will assist with record retention for materials that are owned by the University

Sanctions

- Failure to abide by this policy may place the employee or student in legal jeopardy.
- 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. Violations of this policy may result in disabling the website until the offending material is removed.

Next Steps for Our Committee

- "...institutes policies regarding copyright,
- [Provide] informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright..."

Tentatively Finished

Begin Summer 2016



Questions?