

Edits for Version 2 of Draft Policy for Systemwide Review

Policy Title: University of California Policy on Copyright and Fair Use

Responsible Officer:	Provost and Executive Vice President – Academic Affairs <u>Provost and Executive Vice President – Academic Affairs</u>
Responsible Office:	Academic Affairs <u>Academic Affairs</u>
Origination Date:	April 29, 1986 <u>April 29, 1986</u> April 29, 1986
Date of this Revision	TBD, 2014 <u>TBD, 2014</u>
Scope:	Faculty, academic appointees, staff, and students.

I. POLICY SUMMARY

To fulfill its teaching, research, and public service mission, it is the policy of the University to encourage the wide dissemination of information and knowledge ~~for its teaching, research, and public service mission,~~ while ~~also~~ complying with copyright law. The University will defend its employees who acting in the scope of their University employment and who use copyrighted materials in an informed manner and in good faith.

II. DEFINITIONS

N/A

III. POLICY TEXT

Faculty, staff, and students of the University of California may wish to use materials created by other people for the purposes of teaching, learning, research, or public service. The University encourages the appropriate use of such material within the ~~restrictions and permissions scope~~ of the United States ~~C~~copyright Law.

Copyright is a property right ~~guaranteed described~~ in the United States Constitution ~~as existing for a limited amount of time to creators of original works.~~

Content creators are granted certain exclusive rights with respect to their work, including the right to reproduce, modify, distribute, ~~perform~~, display, and publicly perform their work ~~in all media~~. Because these rights are exclusive, content creators may ~~also~~ prohibit others from using their work without permission in many circumstances. The University ~~strongly~~ believes that the right of content creators to control the use of their work is vital in maintaining a free flow of ideas in our society.

However, copyright law ~~also~~ provides a limited right – known as “fair use” – to reproduce, modify, distribute, display, and publicly perform works created by others in certain circumstances and for certain purposes including, for example, criticism, comment, news reporting, teaching, scholarship, or research, among others. ~~This right is known as fair use.~~ Other items to consider in the fair use analysis are the nature of the copyrighted work, the amount and substantiality of the portion used in relation to the copyrighted work, and the effect of the use upon the potential market for (or value of) the copyrighted work.

The University ~~also strongly~~ believes that the right of content ~~user~~ consumers to access copyrighted works under within the scope of the fair use ~~doctrine to further disseminate knowledge~~ is paramount for the promotion of academic freedom, creative expression, education and instruction, and ultimately, the full participation by all members of society in furthering the pursuit of knowledge.

The University has a societal obligation to promote the wide dissemination of information and knowledge to and among its students and faculty, as well as the public at large, as part of its overall educational, ~~and~~ research and public service mission. The University encourages both respect for the copyrights of content creators as well as the thoughtful invocation of fair use principles by content ~~users~~ consumers within the bounds set forth in U.S. copyright law to support those goals.

To the greatest extent it is permitted to do so under the relevant laws and policies, the University will defend from charges of copyright infringement -all employees who acted acting in the scope of their uUniversity employment and who are making an informed and good faith decisions about the use of the copyrighted material(s) at issue, to the greatest extent the University it is permitted to do so under the relevant laws and policies as a matter of law.

Whether a particular use of copyrighted content constitutes fair use is outside the purview of this policy statement. General copyright ~~advice guidelines are~~ available at <http://copyright.universityofcalifornia.edu>, and the University encourages all members of the University community to review that information (among other information) and to contact their campus counsel office or the Office of General Counsel when further advice may be needed.

IV. RESPONSIBILITIES

N/A

V. PROCEDURES

See the UC Copyright Website: <http://copyright.universityofcalifornia.edu>

The University encourages all members of the University community to review the information on the website, and to contact their campus counsel office or the Office of General Counsel when further advice is needed.

VI. ADDITIONAL CONTACTS

Subject	Contact	Phone	Email
UC Copyright Policies	Joanne Miller	(510) 587-6141	joanne.miller@ucop.edu
Academic Copyright	Katie Fortney	(510) 987-9371	katie.fortney@ucop.edu
Copyright Law	Angus MacDonald	(510) 987-9737	angus.macdonald@ucop.edu

VII. RELATED INFORMATION

Related Policies:

UC Copyright Ownership Policy
(<http://policy.ucop.edu/doc/2100003/CopyrightOwnership>)

Ownership of Course Materials Policy
(<http://policy.ucop.edu/doc/2100004/CourseMaterials>)

Digital Millennium Copyright Act (<http://policy.ucop.edu/doc/7000472/DMCA>)

UC Open Access Policy (<http://osc.universityofcalifornia.edu/open-access-policy/>)

Other Information:

[UC Copyright Website \(http://copyright.universityofcalifornia.edu\)](http://copyright.universityofcalifornia.edu)

VIII. FREQUENTLY ASKED QUESTIONS

N/A

IX. REVISION HISTORY

This policy was originally issued in 1986 with pages of attached guidelines.

This revised version was issued in _____, with guidelines available on the UC Copyright Website.