

D R A F T cover from Provost Dorr for
Second Round Revision of UC Copyright and Fair Use Policy

Dear Colleagues:

I am enclosing for systemwide review a second-round revision of the UC Policy on Copyright and Fair Use. Formerly known as the 1986 “Policy on the Reproduction of Copyrighted Materials for Teaching and Research,” the revised policy has become a clear statement by the University in support of copyright law and in defense of the “fair use” principle.

A key reason for undertaking the revision was that the guidelines that are included as part of the 1986 policy are obsolete, as confirmed by a recent appellate court opinionⁱ. Policies can take years to revise, while interpretation of copyright law may evolve quickly based on court decisions and amendments. By removing guidelines from the policy, the University is not trying to provide less guidance. The written guidance that faculty, students, and staff seek for understanding copyright and fair use is more appropriately located on the [UC Copyright website](#), which is maintained by the [SLASIAC Standing Subcommittee on Copyright Policy](#)ⁱⁱ and is regularly edited and updated with relevant information by experts in the field. The site includes resources such as:

- [Information on use of copyrighted materials in the classroom](#)
- Frequently asked questions about [copyright ownership](#) and [use of copyrighted works](#)
- [A summary of who owns copyright for different types of works created at UC](#)

Other options for faculty, staff, and students who need additional assistance with copyright related matters include campus librarians, who are well-versed in the intricacies of educational uses of copyrighted material, and campus counsel, when appropriate. Many copyright related questions do not require legal advice. Assistance in determining what type of help is needed with a specific issue can be found by sending an email message to copyright@ucop.edu.

In its review of the revised policy, the Academic Council asked, among other things, that the policy specifically state that the University will “defend employees who reproduce copyrighted materials in the good faith belief that they are doing so in compliance with the law.” A statement to that effect has been added. The current draft also incorporates the faculty’s suggestion to explicitly articulate the University’s responsibility to provide support for the faculty’s copyright concerns.

This second round of the revised policy was prepared by the SLASIAC Standing Subcommittee on Copyright Policy after comments from the first round were reviewed. It was approved by the University's Systemwide Library and Scholarly Information Advisory Committee (<http://libraries.universityofcalifornia.edu/slasiac>) on **February 27, 2015**.

Comments on this revision may be submitted to Joanne Miller (joanne.miller@ucop.edu) by _____. Questions or requests for information may be directed to Joanne Miller via email or phone (510) 587-6141. The draft revised policy **and** all background materials may be found online at: (<http://libraries.universityofcalifornia.edu/sscp/resources>).

Cordially,

Aimée Dorr

ⁱCambridge University Press v. Patton (11th Cir. Oct. 17, 2014). The decision made clear that the 1976 Classroom Copying Guidelines are not an appropriate lens to rely upon for fair use determinations.

ⁱⁱThe Subcommittee composition is defined in the SLASIAC (Systemwide Library and Scholarly Information Advisory Committee) charge:

In addition to the Chair, the subcommittee will be composed of: one Academic Council representative (normally, the Vice Chair of Academic Council), three faculty members, one of the CoUL representatives from SLASIAC, a Research Vice Chancellor, the Office of General Counsel representative from SLASIAC, and additional faculty and campus administrators as needed to provide appropriate perspectives, either on an ongoing basis or to address specific policy issues before the Subcommittee.