

Draft Policy for Final Review

With edits received during Final Review period: March 25 – April 30, 2015.

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

Responsible Officer:	Vice Provost Susan Carlson
Responsible Office:	Academic Personnel and Programs
Origination Date:	April 29, 1986
Date of this Revision	TBD, 2015
Scope:	Faculty, academic appointees, staff, <u>This policy applies to all employees -- including faculty, other academic appointees, all other staff</u> – and students.

Contact:	Joanne Miller
Title:	Library Planning Analyst
Email:	joanne.miller@ucop.edu
Phone:	(510) 587-6141

I. POLICY SUMMARY

To fulfill its teaching, research, and public service mission, it is the policy of the University of California to encourage the broad dissemination and use of information in accordance with copyright law. The University will defend its employees who use copyrighted materials in an informed, reasonable, and good faith manner, and within the scope of their University employment.

II. DEFINITIONS

N/A

III. POLICY TEXT

Faculty, staff, and students of the University of California ~~may wish to~~ use materials created by others for ~~the purposes of~~ teaching, learning, research, or public service. The University encourages the appropriate use of such materials within the scope of copyright law.

As described in the U.S. Constitution, the purpose of copyright is to “promote the Progress of Science and useful Arts.” Copyright owners are granted certain exclusive rights to their works for a limited time, including the right to reproduce, modify, distribute, display, and publicly perform their works. Because these rights are exclusive, such creators may prohibit others from using their works without permission in many circumstances.

Copyright law in the U.S. includes a number of exceptions to copyright owners’ exclusive rights. The most flexible of these exceptions is “fair use.” Fair use allows people and organizations to reproduce, modify, distribute, display, and publicly perform works created by others in certain circumstances and for certain purposes, including criticism, comment, news reporting, teaching, scholarship, or research. In addition to the purpose and character of the proposed use, fair use requires consideration of the nature of the copyrighted work, the amount and substantiality of the portion of the original work used, and the effect of the use upon the potential market for (or value of) the copyrighted work.

Determining whether fair use applies can be complex and is generally handled on a case-by-case basis. The University will provide general guidance and resources for faculty and others to aid their understanding of copyright and help them follow the law. Members of the University community are encouraged to review the copyright and fair use guidelines available on [the University’s copyright website \(http://copyright.universityofcalifornia.edu\)](http://copyright.universityofcalifornia.edu), among other resources, and to contact their campus librarians, campus counsel office, or the Office of General Counsel if further advice is needed.

In the unlikely event of a copyright infringement claim, the University will defend its employees who acted within the scope of their University employment and who made use of the copyrighted work at issue in an informed, reasonable, and good faith manner. The University will do so to the greatest extent provided under the relevant laws and policies.

The University believes that the right of ~~instructors, all employees and~~ students, ~~and others~~ to access and share copyrighted works within the scope of the fair use doctrine 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 encourages respect for the rights of copyright owners as well as the thoughtful invocation of fair use principles within the bounds set forth in copyright law to support those goals.

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 this website, and to contact their campus librarians, campus counsel office or the Office of General Counsel when further advice is needed.

VI. 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>)

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

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

Other Information:

UC Copyright Website (<http://copyright.universityofcalifornia.edu>)

“Thinking Through Fair Use,” University of Minnesota Libraries
(<https://www.lib.umn.edu/copyright/fairthoughts>)

“Fair Use Evaluator, American Library Association
(<http://librarycopyright.net/resources/fairuse/>)

VII. 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.