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**COPYRIGHT COMPLIANCE STATEMENT  
PHOTOCOPYING FOR CLASSROOM, RESEARCH, AND LIBRARY USE  
RECORDING OF PRESENTATIONS FOR DISTRIBUTION**

*University of North Texas Health Science Center*

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# Copyright Compliance Statement

*University of North Texas Health Science Center*

## INTRODUCTION

With the increased use of new technology to disseminate information to the University of North Texas Health Science Center community and outside entities the proper use of copyrighted materials is becoming an important issue. Dissemination of information carries with it the possibility of unintentional misuse of copyrighted materials. It is important UNTHSC protect itself and educate its community regarding the proper use of copyrighted materials in content produced under the auspices of the institution.

The Distributed Learning and Graphic Arts Divisions of Biomedical Communications are concerned that with the increased use of emerging technologies to provide materials to the UNTHSC community the potential for misusing copyrighted materials is also increasing.

It is recommended that a working group be established to address this important issue and develop the necessary policies for submission for approval and adoption for institutional use. This document can be used by the working groups as a starting point for their work.

This is an adaptation of policies currently in place at the University of North Texas in Denton as well as other pertinent compliance documentation. Additional information is available as hyperlinks within the documents and/or included as part of the appendix.

Compliance practices are presented on the following pages along with copies of some of the referenced materials. It is requested that it be provided to the proposed working group to be used in their development process for creating an official proposal and submission to the policy approval process and inclusion in the UNTHSC Policy Manual.

## SUBJECT: UNTHSC COPYRIGHT COMPLIANCE STATEMENT

### APPLICABILITY: ALL FACULTY, STAFF AND STUDENTS

#### 1. Purpose

It is the position of the University of North Texas Health Science Center that all faculty, staff, and students respect the rights of ownership of intellectual property by adhering to United States copyright laws. The purpose of this document is to: (1) provide a general outline of U.S. copyright law as codified in [Title 17, U.S. Code](#); (2) encourage the lawful use of copyright-protected materials; (3) protect the University of North Texas Health Science Center against risk of copyright infringement; and (4) comply with federal legislation such as the TEACH Act and the Digital Millennium Copyright Act.

#### 2. Scope

This applies to faculty, staff, and students at the University of North Texas Health Science Center. This document does not address ownership of works created by employees or students of the university, or the ownership of and royalties for works created for distributed learning courses. These issues are addressed by UNTHSC Policy No.: F/UNTHSC/RES/ORB-003: Intellectual Property Policy and UNTHSC Policy No.: 003-01: Addendum to The University of North Texas Health Science Center Intellectual Property Policy: Distributed Learning Creation, Use, Ownership, Royalties, Revision and Distribution of Electronically Developed Course Materials.

#### 3. Definitions

**Academic Period** means one academic term, which can mean a semester or a shorter unit of time during which a complete course is offered.

**Copyright** is a form of protection provided by the laws of the United States ([17 U.S.C.](#)) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works.

**Copyright infringement** means unauthorized use of copyrighted material in a manner that violates the copyright owner's exclusive rights, as provided by law.

**Coursepack or course packet** means a compilation of any photocopied extracts from one or more sources (typically book chapters, journal articles or law reports) designed to support the teaching of a course.

**DMCA** means the Digital Millennium Copyright Act, which is discussed further in Section 7: Compliance with the DMCA.

**Distance Education** means any course offered by UNTHSC that falls within the parameters of the TEACH Act; this may include Distributed Learning and/or online courses.

**Distributed Learning** means any course at UNTHSC for which at least 25 percent of the course is conducted through digital transmission, such as the Web, Internet, Videoconferencing, or CD-ROM.

**Fair Use** is a limited exception to copyright protection that states that reproduction of a portion of a copyrighted work without the copyright owner's permission may be allowed under certain circumstances. Fair use is covered in section 107 of copyright law ([17 U.S.C. 107](#)): 17 U.S.C. sec. 107.

Limitations on exclusive rights: Fair use.

*Notwithstanding the provisions of section 106, 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, 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:*

- 1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;*
- 2. The nature of the copyrighted work;*
- 3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and*
- 4. The effect of the use upon the potential market for or value of the copyrighted work*

**Online course** means any course that is conducted through digital transmission via the Web or Internet.

**Public domain** describes the body of creative work that is not protected by copyright, and which may be freely used by everyone. The reasons that the work is not protected may include: (1) the term of copyright for the work has expired; (2) the author failed to satisfy statutory formalities to perfect the copyright; or (3) the work is a work of the U.S. Government.

**TEACH Act** means [Technology, Education, and Copyright Harmonization Act of 2002, Pub. L. No. 107-273, §13301 \(2002\)](#). TEACH is an update to the copyright law and expands upon the ways copyrighted materials can be used without obtaining permission from the copyright holder in certain circumstances for distance education purposes.

**UNTHSC** means University of North Texas Health Science Center.

#### 4. U.S. Copyright Law

This section provides an overview of the basic principles of U.S. Copyright Law ([17 U.S.C.](#)). The U.S. Copyright Office, Library of Congress, provides informational brochures on United States copyright law and how it applies to various formats at <http://www.loc.gov/copyright/>.

##### 4.1 Copyright Ownership

A copyright belongs to the author of a work unless the author grants the ownership in writing to someone else, such as the author's publisher or record company. A work created for an employer as part of one's job, known as a work for hire, is considered to be authored by the employer in most cases. The law regarding copyright ownership and transfer can be found in Title 17, Chapter 2 of the U.S. Code ([17 U.S.C. ch. 2](#)).

Details regarding copyright ownership of original works created by authors employed by UNTHSC can be found in UNTHSC Policy No.: F/UNTHSC/RES/ORB-003: Intellectual Property Policy.

##### 4.2 Types of Works Eligible for Copyright Protection

The types of works that can be copyrighted include literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, and architectural works; motion pictures and other audiovisual works; sound recordings; and electronic works, including computer chips, software, and some databases.

Lack of a copyright notice on a work does not mean the work is not protected by copyright. A copyright notice is not required under U.S. law. The use of the copyright

notice is the responsibility of the copyright owner and does not require advance permission from, or registration with, the Copyright Office.

### 4.3 Rights of a Copyright Owner

The owner of a copyright has the exclusive right to reproduce, distribute, perform, display, or derive other works from the copyrighted work, and to authorize others to do so. This right arises the moment a copyrightable work is created and put into tangible form. The rights of the copyright owner exist for a finite period of time, and are subject to certain limitations and exemptions. The exclusive rights of the copyright owner are described in Title 17, Chapter 1 of the U.S. Code ([17 U.S.C. ch. 1](#)).

### 4.4 Copyright Exclusions and Limitations

During the term of copyright, federal law allows for a number of exceptions to the copyright owner's "exclusive" rights by specifying that certain uses of copyrighted works, under conditions that are not likely to undermine the copyright holder's economic incentives to create and disseminate such works, are outside the control of the copyright owner.

Limitations and exemptions that pertain to academia include, but are not limited to the following:

[Section 107](#): **Fair Use**, which applies to activities such as quoting a small portion of a book for the purposes of criticism, comment, teaching, or scholarship, or creating a parody of an artwork;

[Section 108](#): **Reproduction by Libraries and Archives**, which applies to such activities as making archival copies, replacing lost or damaged copies, filling patron requests for photocopies, and filling interlibrary loan requests

[Section 109](#): **First Sale Doctrine**, which permits the lending, giving away, or resale of a physical copy of a work (such as a book or CD), providing the legal justification for lending libraries and used book stores; and

[Section 110](#): **Noncommercial Performances and Displays**, which permits certain performances and displays of copyrighted material in a face-to-face classroom, in distance education courses, in churches, restaurants, fairs, and other venues, at charitable functions held by fraternal organizations, and for the benefit of disabled persons. The TEACH Act updated Section 110 in 2002 and provides an exemption for distance learning courses under specific circumstances.

Copyrightable works may be licensed under a **Creative Commons License**, which allows copyright holders to grant some or all of their rights in their work to the public, while still retaining other rights. If you would like to use work that is licensed under a Creative Commons License, you must check which rights have been granted to the public and ensure that your use stays within the limits of the license.

## 5. Compliance with U.S. Copyright Laws\*

UNTHSC faculty, staff, and students are responsible for determining whether the materials they use are copyright protected. If they are not protected, they may use the materials without obtaining permission. If the materials are protected, they must then determine whether there are any applicable exceptions to copyright protection, and if so, to what extent they may use the materials. If no exception applies, permission must be obtained to use the materials, and the way in which the materials can be used may be limited.

\* Please note that the majority of Section 5 does not apply to the use of copyrighted materials in Distance Learning classes that are offered in an online, rather than a classroom, environment. For information regarding how to comply with copyright laws while using materials in an online environment, please see Section 6: Compliance with the TEACH Act.

## **5.1 Use of Written Copyrighted Materials**

Articles, excerpts, chapters, and other creative works used as part of classroom teaching, course materials, scholarly research, or teaching preparation require copyright permission, unless there is an exception to copyright protection, or the work is in the public domain.

The fair use exception may apply to the following uses of copyrighted materials:

### **5.1.1 Photocopying Print Materials for Research or Teaching Preparation**

Generally, instructors may make a single copy of any of the following for scholarly research or use in teaching or preparing to teach a class:

1. A chapter from a book;
2. An article from a periodical or newspaper;
3. A short story, short essay or short poem, whether or not from a collective work;
4. A chart, diagram, graph, drawing, cartoon or picture from a book, periodical, or newspaper.

Most single-copy photocopying for personal use in research, even when it involves a substantial portion of a work, may constitute fair use.

### **5.1.2 Photocopying Print Materials to Distribute in Class**

Primary and secondary school educators, along with publishers, have developed the following guidelines, which allow a teacher to distribute photocopied material to students in a class without the publisher's prior permission, under the following conditions:

1. The distribution of the same photocopied material does not occur every semester;
2. Only one copy is distributed for each student, which must become the student's property;
3. The material includes a copyright notice on the first page of the portion of material photocopied;
4. The students are not assessed any fee beyond the actual cost of the photocopying.

In addition, the educators agreed that the amount of material distributed should not exceed certain brevity standards, and the photocopying practices of an instructor should not have a significant detrimental impact on the market for the copyrighted work.

### **5.1.3 Electronic and Print Course Packets**

Copyright permission for use in course packets is usually granted for one academic period.

## **5.2 Use of Video, Film, and Sound Recordings at Public Events or in the Classroom**

### **5.2.1 Copying**

It is illegal to copy a film, video, or sound recording without the copyright owner's permission.

### **5.2.2 Use of Video, Film, and Sound Recordings at Public Events**

Films, videos, and sound recordings may not be shown or played at public events unless licensed for public performance, or in compliance with an exception or limitation on copyright protection.

### **5.2.3 Use of Video, Film, and Sound Recordings in the Classroom: Face-to-Face Classroom Teaching Exemption**

Most classroom uses of films, videotapes, and sound recordings are permissible, provided that the showing is by instructors, guest lecturers, or students and is done in connection with face-to-face teaching activities. Use of media is permitted in an educational institution without a public performance license as long as criteria outlined in [U.S.C. Title 17, Chapter 1, Section 110](#) are met:

- It must be shown in a non-profit educational institution
- It must be shown in a classroom or similar place devoted to instruction
- It must be shown as part of a regularly scheduled course
- It must be shown as part of the face-to-face classroom teaching activities
- It must be lawfully made
- It must be directly related to the course content
- It must be shown only to students enrolled in the course

## **5.3 Use of Electronic Databases and Periodicals**

Most of the electronic databases and periodicals in digital format that are made available to the UNTHSC community through the Gibson D. Lewis Library are subject to license agreements with outside vendors, which impose legal restrictions on the use of these resources. Students, faculty, and staff who use these resources must comply with the restrictions applicable to each resource.

## **5.4 Use of Government Publications**

Works of the U.S. government are generally not protected by copyright in the United States and are automatically in the public domain ([17 USC § 105](#)); however, there are numerous exceptions and refinements to this rule. For a detailed explanation of how copyright law is applied to government publications, see Frequently Asked Questions About Copyright: [3.0 U.S. Government Works](#) and [4.0 Works Created Under a Federal Contract or Grant](#) on the CENDI Web site.

## 5.5 Use of Photographs and other Visual Materials

Photographs and other visual materials are generally protected by copyright; however, the fair use exception may apply. Under fair use guidelines no more than 5 images by an artist or photographer may be reproduced or incorporated as part of an educational multimedia project. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or incorporated as part of an educational multimedia project.

## 5.6 Use of Musical Scores

### 5.6.1 Multiple Copies of Excerpts

For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole that would constitute a performable unit such as a section, movement, or aria. In no case may more than 10% of the whole work be copied. The number of copies may not exceed one copy per student.

### 5.6.2 Single Copy of Entire Unit

For academic purposes other than performance, a single copy may be made of an entire performable unit such as a section, movement, or aria solely for the purpose of scholarly research, or in preparation to teach a class, if the work is:

- (1) confirmed by the copyright proprietor to be out of print, or
- (2) unavailable except in a larger work.

### 5.6.3 Editing Musical Scores

Printed copies that have been purchased may be edited or simplified, provided that the fundamental character of the work is not distorted, that the lyrics (if any) are not altered, and that no lyrics are added, if none exist.

## 5.7 Use of Software

UNTHSC has several policies regarding compliance with software licensing agreements and the protection of copyrighted software. Please see UNTHSC Information Resources Policy 4.09: Software Use Policy (<http://www.hsc.unt.edu/policies/IRPolicies.cfm>).

## 6. Compliance with the TEACH Act: The Use of Copyrighted Materials in the Online Environment

### 6.1 Description of the TEACH Act

Under the [TEACH Act](#), the materials that may be used in the online environment are substantially similar to the type of materials, as well as the quantity or duration of the materials that may be used in the classroom environment. Essentially, the TEACH Act allows an instructor to distribute materials online in the quantity and of the character that he or she would otherwise have used during a face to face class. The TEACH Act does not allow instructors to post copyrighted materials with the intention of supplementing classroom materials with further examples that were not part of the classroom lesson, or for students' individual study outside of class time.

### 6.2 Compliance

To be in compliance with the TEACH Act, and to lawfully distribute copyrighted materials in the online environment, the instructor must:

- Provide notice to students when materials may be subject to copyright protection
- Limit the transmission of copyrighted materials to enrolled students
- Prevent stored materials from being accessible to anyone other than enrolled students
- Prevent the retention of materials by students for periods longer than the “class session”
- Use only ‘reasonable and limited’ portions of the materials that are allowed face-to-face in the classroom
- Supervise the display or performance of copyrighted materials
- Ensure that materials used are an integral part of “mediated instructional activities”
- Ensure that materials used are not “typically purchased or acquired by the students” (e.g. textbooks)

## 7. Compliance with the Digital Millennium Copyright Act

The [Digital Millennium Copyright Act \(DMCA\)](#), effected in 1998, implements two 1996 World Intellectual Property Organization (WIPO) treaties. It criminalizes production and dissemination of technology, devices, or services that are used to circumvent measures that control access to copyrighted works and criminalizes the act of circumventing an access control, even when there is no infringement of copyright itself. It also heightens the penalties for copyright infringement on the Internet. The most common violation of the DMCA that occurs in the university setting is illegal file sharing, especially of music files. Students and employees of UNTHSC should be aware that if they violate the DMCA either by illegally sharing copyrighted files, or in any other way, they could face severe penalties.

## 8. Copyright Infringement

Anyone who makes unauthorized use of copyrighted material in a manner that violates the copyright owner’s exclusive rights (except for the limitations and exemptions described above) is committing *copyright infringement* and may be subject to civil and criminal penalties as well as disciplinary action by UNTHSC.

## 9. Reference Links

### Copyright Law

<http://www.copyright.gov/>

<http://www.copyright.gov/title17/>

<http://www.library.unt.edu/research-tools/subject-guides/copyright/general-copyright-information/>

<http://www.knowyourcopyrights.org/>

### TEACH Act

<http://www.copyright.gov/legislation/pl107-273.html#13301>

<http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>

[http://www.ala.org/Template.cfm?Section=Distance\\_Education\\_and\\_the\\_TEACH\\_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939](http://www.ala.org/Template.cfm?Section=Distance_Education_and_the_TEACH_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939)

[http://fairuse.stanford.edu/primary\\_materials/legislation/teach.html](http://fairuse.stanford.edu/primary_materials/legislation/teach.html)

<http://www.copyright.gov/legislation/pl107-273.html>

<http://www2.nea.org/he/abouthe/teachact.html>

<http://www2.nea.org/he/abouthe/teachact.html>

[http://www.copyright.iupui.edu/dist\\_learning.htm](http://www.copyright.iupui.edu/dist_learning.htm)

<http://www.provost.ncsu.edu/copyright/toolkit/>

### **Policies**

<http://copyright.unt.edu/>

<http://www.hsc.unt.edu/policies/IRPolicies.cfm>

<http://www.hsc.unt.edu/research/ttc/invent.htm>

### **Checklists and Sample Requests/Notices**

<http://copyright.unt.edu/content/copyright-checklists>

<http://copyright.unt.edu/content/model-permission-request-letter>

<http://copyright.unt.edu/content/sample-copyright-notices>

<http://www.copyright.com/Services/copyrightoncampus/>

<http://www.copyright.com/media/pdfs/Using-Course-Management-Systems.pdf>

## **SUBJECT: UNTHSC PHOTOCOPYING FOR CLASSROOM, RESEARCH, AND LIBRARY USE**

### **APPLICABILITY: ALL FACULTY, STAFF AND STUDENTS**

#### **1. Purpose**

It is the position of the University of North Texas Health Science Center that all faculty, staff, and students respect the rights of ownership of intellectual property by adhering to United States copyright laws. The purpose of this document is to provide the faculty and staff with a brief explanation of when the photocopying of copyrighted material is permitted under the fair use doctrine. The copyright law applies to all forms of photocopying, whether it is undertaken at a commercial copying center, at the university's central or departmental copying facilities, or at a self-service machine. This document does not address other library photocopying which may be permitted under other sections of the copyright law.

The university does not condone the practice of photocopying instead of purchasing copyrighted works where such photocopying would constitute an infringement under the copyright law, but it does encourage faculty members to exercise good judgment in serving the best interests of students in an efficient manner.

#### **2. The Copyright Act and Photocopying**

The Copyright Act defines the rights of a copyright holder and how they may be enforced against an infringer. Included within the Copyright Act is the "fair use" doctrine which allows, under certain conditions, the copying of copyrighted material. While the act lists general factors under the heading of "fair use" it provides little in the way of specified directions for what constitutes fair use.

The law states:

17 U.S.C. sec. 107. Limitations on exclusive rights: Fair use.

Notwithstanding the provisions of section 106, 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, 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:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

#### **3. Unrestricted Photocopying**

##### **3.1 Uncopyrighted Published Works**

Writings published before January 1, 1978 that have never been copyrighted may be photocopied without restriction.

### 3.2 **Published Works With Expired Copyright**

Writings with expired copyrights may be photocopied without restriction. All copyrights prior to 1906 have expired. Copyrights granted after 1906 have been renewed; however, the writing probably will not contain notice of renewal.

### 3.3 **Unpublished Works**

Unpublished works, such as theses and dissertations, may be protected by copyright. If such a work was created before January 1, 1978, and has not been copyrighted or published and does not contain a copyright notice, the work is protected under the new act for the life of the author plus 50 years, but in no case earlier than December 31, 2002. Works created after January 1, 1978, and not published enjoy copyright protection for the life of the author plus 50 years.

### 3.4 **U.S. Government Publications**

All U.S. Government publications with the possible exception of some National Technical Information Service publications less than five years old may be photocopied without restrictions, except to the extent they contain copyrighted material from other sources.

## 4. **Permissible Photocopying of Copyrighted Works**

The Copyright Act allows anyone to photocopy copyrighted works without securing permission from the copyright owner when the photocopying amounts to a fair use of the material. This document discusses the boundaries for fair use of photocopied material in research, the classroom or in a library reserve operation. Fair use cannot always be expressed in numbers (either the number of pages copied or the number of copies distributed).

### 4.1 **Research Uses**

Generally, a single copy of any of the following may be made for scholarly research or use in teaching or preparing to teach a class:

- 4.1.1 A chapter from a book
- 4.1.2 An article from a periodical or newspaper
- 4.1.3 A short story, short essay, or a short poem, whether or not from a collective work
- 4.1.4 A chart, diagram, graph, drawing, cartoon, or picture from a book, periodical, or newspaper

Most single-copy photocopying for personal use in research, even when it involves a substantial portion of a work, may constitute fair use.

### 4.2 **Classroom Uses**

Primary and secondary school educators working with publishers have developed guidelines which allow an instructor to distribute photocopied material to students in a class, without the publisher's prior permission, under the following conditions:

- 4.2.1 The distribution of the same photocopied material does not occur every semester
- 4.2.2 Only one copy is distributed for each student, which must become the student's property
- 4.2.3 The material includes a copyright notice on the first page of the portion of material that is photocopied
- 4.2.4 The students are not assessed any fee beyond the actual cost of the photocopying

In addition, the educators agreed that the amount of material distributed should not exceed certain brevity standards. The photocopying practices of an instructor should not have a significant detrimental impact on the market for the copyrighted work.

#### **4.3 Library Reserve Uses**

At the request of a faculty member, the library may photocopy and place on reserve excerpts from copyrighted works in its collection in accordance with guidelines similar to those governing formal classroom distribution for face-to-face teaching described in section 4.2.

If the request calls for only one copy to be placed on reserve, the library may photocopy an entire article or an entire chapter from a book, or an entire poem. Requests for multiple copies on reserve should meet the following guidelines:

- 4.3.1. The amount of material should be reasonable in relation to the total amount of material assigned for one term of a course taking into account the nature of the course, its subject matter and level
- 4.3.2. The number of copies should be reasonable in light of the number of student enrolled, the difficulty and timing of assignments, and the number of other courses which may assign the same material
- 4.3.3. The material should contain a notice of copyright
- 4.3.4. The effect of photocopying the material should not be detrimental to the market for the work.

A faculty member also may request that multiple copies of photocopied, materials be placed on reserve if there is insufficient time to obtain permission from the copyright owner.

### **5. Uses of Photocopied Materials Requiring Permission**

- 5.1 Repetitive Copying - The classroom or reserve use of photocopied materials in multiple courses or successive years normally will require advance permission from the owner of the copyright.
- 5.2 Copying for Profit – Faculty should not charge students more than the actual cost of photocopying the material.
- 5.3 Consumable Works – The duplication of works that are consumed in the classroom, such as standardized tests, exercises, and workbooks, normally requires permission from the copyright owner.
- 5.4 Creation of Anthologies as Basic Text Material for a Course – Creation of a collective work or anthology by photocopying a number of copyrighted articles and excerpts to be purchased and used together as the basic text for a course in most instances will require the permission of the copyright owners. Such photocopying is more likely to be considered as a substitute for purchase of a book and thus less likely to be deemed fair use.

### **6. Infringement**

Normally, an infringer is liable to the copyright owner for the actual losses sustained because of the photocopying and for any additional profits of the infringer. Where the monetary losses are nominal, the copyright owner usually claims statutory damages instead of the actual losses. The statutory damages may reach as high as \$10,000 (or up to \$50,000 if the infringement is willful). In addition to suing for monetary damages, a copyright owner usually can prevent future infringement through a court injunction.

## **SUBJECT: RECORDING OF PRESENTATIONS FOR DISTRIBUTION**

### **APPLICABILITY: ALL FACULTY, STAFF AND STUDENTS**

#### **1. Purpose**

It is the position of the University of North Texas Health Science Center that all faculty, staff, and students respect the rights of ownership of intellectual property by adhering to United States copyright laws. The purpose of this document is to insure that all recorded material produced adhere to those laws.

#### **2. Scope**

This document applies to faculty, staff, and students at the University of North Texas Health Science Center. The purpose is to provide the faculty and staff with a brief explanation of when the photocopying of copyrighted material is permitted under the fair use doctrine.

This document does not address ownership of works created by employees or students of the university, or the ownership of and royalties for works created for distributed learning courses. These issues are addressed by UNTHSC Policy No.: F/UNTHSC/RES/ORB-003: Intellectual Property Policy and UNTHSC Policy No.: 003-01: Addendum to The University of North Texas Health Science Center Intellectual Property Policy: Distributed Learning Creation, Use, Ownership, Royalties, Revision and Distribution of Electronically Developed Course Materials.

#### **3. Burden of Proof of Copyright Compliance**

It is the responsibility of the individual or group requesting the recording and distribution to ensure that any use of copyrighted materials complies with the **UNTHSC Copyright Compliance statement (contained in this document)**. This includes obtaining any required releases from copyright owner(s) and presenters and providing written documentation along with the recording release form prior to the presentation being recorded.

Presentations containing copyrighted material may not be mass distributed in any manner without proper documentation of copyright compliance. Questions regarding what is required may be directed to the Office of Distributed Learning.

#### **4. Release Form Requirement**

A release form will be required for all recorded presentations. This release will specify the following:

1. The Sponsor of the event (if applicable)
2. The full name of the presenter and their affiliation
3. The date and time of the presentation
4. If the presentation contains any copyrighted or otherwise proprietary materials or information
5. Reason for recording the presentation (live broadcast, distribution via DVD, CD, streaming video, Blackboard, etc.

#### **5.**