

Item #6

Comprehensive Copyright Policy



The U. T. System

Comprehensive Copyright Policy

Fair Use | Permission | Licensing | Ownership | Management

Copyright affects faculty, students and staff in The University of Texas System in ways that we could not even imagine a few years ago. If not for advances in electronic communications, and in particular, our love affair with the World Wide Web, we may have been able to get by with nothing more than a basic statement about fair use. Today that approach is not enough.

Today we need a copyright policy that goes beyond mere recitation of the statutes or even reference to specific guidelines. Fair use requires more explanation. More importantly, fair use is just the starting point. Even if we all understand fair use perfectly, we still would need to know what to do if a proposed use were not fair. The answer should not be "Don't use the work," but rather, "Get permission." But, that answer leads to other questions: "How do I get permission?" and "Why can't the university license all these permissions at once?" and "Why doesn't the library have this in electronic form so I do not need permission?" Even these questions only cover **one** aspect of our copyright concerns - the use of others' work. What about all the copyright works **we** create and own?

Our copyright policy is comprehensive: it addresses the use of others' copyrights *and* the creation, ownership and management of our own copyrights.

Using others' works:

Our policy focuses strongly on how we use others' works because we use them constantly.

Every educational use is not a fair use. It's not that simple. For example, some photocopies for each of the following activities may be fair use, but rarely will all such uses be fair:

- Reserves
- Coursepacks
- Copies for research, scholarship and private study
- Interlibrary loan and document delivery
- Administrative copies

If a use is not a fair use, we need to be able to get permission.

We also may need permission at times to digitize, display, perform and distribute print or other analog works. Even if we have licensed an electronic work, we may need rights to use the work in a way that is not covered by the license. We certainly need to negotiate better access licenses that cover all anticipated educational uses.

So, our comprehensive copyright policy provides:

Fair use guidance. We want to insure that normal university activities comply with copyright law. Understanding fair use is important and it is possible to put online a considerable amount of help for determining fair use. The charge, however, is more difficult than that. We have to get this information to the people who need it when they need it in a way that makes sense and is truly helpful.

Help to get permission. In addition to providing effective guidance about fair use, we have to make it easier to get permission for those uses that go beyond fair use. As we learn more about transactionally based and blanket licenses and assess their strengths and weaknesses, we will be better able to judge when to exploit each type to most efficiently promote copyright compliance. On the other side, when we are copyright owners, we need to make it easier for those who wish to use our works.

Comprehensive access licensing. We also are providing support for staff who must negotiate license agreements for initial access to electronic works. If we acquire sufficient access upfront, we should not need additional permissions for the uses that we know we'll need to make of electronic works.

Managing our copyrights:

U.T. System faculty, students and staff create educational materials, scholarly works and administrative publications by the thousands every day.

Our comprehensive copyright policy also addresses:

Who owns these and who has rights to use and exploit them? This is up to us as institutions and as an educational community. These are our works, made by us for us. In the past, we haven't taken them or their value very seriously. **It's time we woke up and smelled the coffee.**

Summary

All of the aspects of our comprehensive copyright policy are related:

As we get serious about fair use, we have to get serious about getting permission.

As we get serious about getting permission, we have to get serious about licensing comprehensive access.

As we get serious about protecting every else's copyrights, we'd better get serious about our own copyrights and begin to manage them more effectively.

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