

1. Title

Use of Copyrighted Materials

2. Policy

Sec. 1 Compliance with Federal Law. It is the policy of The University of Texas System and its institutions to follow the United States Copyright Law of 1976, as amended, (Title 17, United States Code, hereinafter, the "[Copyright Act](#)"). Accordingly, all faculty, staff, and students of the U. T. System and the institutions and any other individuals using written works maintained by U. T. System and the institutions should follow these policy guidelines.

Sec. 2 What is Copyrighted. Only copyrighted materials are subject to the restrictions in this Policy Statement. Uncopyrighted materials may be copied freely and without restriction. Because a copyright notice is not required for copyright protection of works published on or after March 1, 1989, most works (except those authored by the United States Government) should be presumed to be copyright protected, unless further information from the copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain. Works published prior to March 1, 1989, generally require a copyright notice to be protected. The [Copyright Office Circular 22](#) explains how to determine the copyright status of a work.

Sec. 3 Copyrighted Software. Copyrighted software may be copied without the copyright owner's permission only in accordance with the Copyright Act. Section 117 of the Act permits making an archival back-up copy. Most software, however, is licensed to the user and the terms of the license agreement may give the user permission to make copies of the software in excess of the archival copy permitted by the Copyright Act. Each software license agreement is unique. As a result, the user's rights to copy licensed software beyond that permitted under the Copyright Act may only be determined by reading the user's license agreement. Any copying or reproduction of copyrighted software on U. T. System or U. T. System institution computing equipment must be in accordance with the Copyright Act and the pertinent software license agreement. Further, faculty, staff, and students may not use unauthorized copies of software on U. T. System or U. T. System institution owned computers or networks or computers housed in U. T. System or U. T. System institution facilities.

Sec. 4 Fair Use. Copyrighted materials may be copied or otherwise used without the copyright owner's permission where such copying constitutes "fair use" under the Copyright Act.

- Sec. 5 Use of Copyrighted Material. In order to copy or otherwise use materials including software where (a) the materials are copyrighted, (b) use exceeds what is permitted by license, and (c) the four factor fair use test indicates that the use is likely not fair, permission should be obtained from the copyright owner.
- Sec. 6 Defense of Faculty or Staff. If permitted by State law and procedures, the U. T. System may defend any faculty or staff member against a civil action alleging copyright infringement where (a) the use is in accordance with the provisions of a valid software license agreement, (b) the permission of the copyright owner has been obtained, or (c) the Office of General Counsel has determined that the use is otherwise permissible. Otherwise, the faculty or staff member will be personally responsible for the defense of a civil action for copyright infringement.
- Sec. 7 Posting of Notices. U. T. System institutions are responsible for posting notices reflecting this policy at all computer and photocopying stations that may be used for reproducing copyrighted materials, e.g., departmental copy rooms and libraries, and at or near all computer stations. The following is a suggested form of notice:

"Copyright Notice"

"Copying, displaying, and distributing copyrighted works may infringe the owner's copyright. The University of Texas System's policy statement on "[Fair Use of Copyrighted Materials](#)" can help you determine whether your use of a copyrighted work is a fair use or requires permission. Any use of computer or duplicating facilities by students, faculty, or staff for infringing use of copyrighted works is subject to appropriate disciplinary action as well as those civil remedies and criminal penalties provided by federal law."

3. Definitions

None

4. Relevant Federal and State Statutes

Title 17, United States Code, [Copyright Act](#)

5. Relevant System Policies, Procedures, and Forms

[Fair Use of Copyrighted Materials](#)

6. Who Should Know

All Individuals Using Written Works Maintained by U. T. System, Including
Without Limitation Students, Faculty, and Staff of the U. T. System

7. System Administration Office(s) Responsible for Policy

Office of General Counsel

8. Dates Approved or Amended

September 1, 1991

Amended June 30, 2010

Amended March 10, 2011

9. Contact Information

Questions or comments about this policy should be directed to:

- bor@utsystem.edu