



UT System Administration Policy Library -- Policy UTS107

Use of Copyrighted Materials

Responsible Officer: Vice Chancellor and General Counsel

Sponsoring Office: Office of General Counsel

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Errors or changes to: policyoffice@utsystem.edu

CONTENTS

[Policy Statement](#)

[Rationale](#)

[Scope](#)

[Website Address For This Policy](#)

[Related Statutes, Policies, Requirements Or Standards](#)

[Contacts](#)

[Definitions](#)

[Responsibilities](#)

[Procedures](#)

[Forms Tools/Online Processes](#)

[Appendix](#)

POLICY STATEMENT

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 University of Texas System and the institutions should follow these policy guidelines.

RATIONALE

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.

SCOPE

All institutions and UT System Administration

WEBSITE ADDRESS FOR THIS POLICY

<http://www.utsystem.edu/policy/policies/uts107.html>

RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

UT System Administration Policies & Standards	Other Statutes, Policies & Standards
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<ul style="list-style-type: none"> • Fair Use of Copyrighted Materials 	<ul style="list-style-type: none"> • Title 17, United States Code, Copyright Act

CONTACTS

If you have any questions about UT System Administration policy UTS 107, *Use of Copyrighted Materials*, contact the following office :

Subject	Office Name	Telephone Number	Email/URL
Comments	Office of General Counsel	512-499-4462	http://www.utsystem.edu/ogc/

DEFINITIONS

None

RESPONSIBILITIES

The University of Texas System

Defends any faculty or staff member against a civil action alleging copyright infringement where the use is in accordance with the provisions of a valid software license agreement, the permission of the copyright owner has been obtained, or where the Office of General Counsel has determined that the use is otherwise permissible.

U.T. System Institutions

Post notices reflecting this policy at all computer and photocopying stations which may be used for reproducing copyrighted materials.

PROCEDURES

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 System or component 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 System or component institution owned computers or networks or computers housed in System or component institution facilities.

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

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.

If permitted by State law and procedures, The University of Texas System may defend any faculty or staff member against a civil action alleging copyright infringement:

- where the use is in accordance with the provisions of a valid software license agreement,
- where the permission of the copyright owner has been obtained, or
- where 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.

U.T. System Institutions are responsible for posting notices reflecting this policy at all computer and photocopying stations which 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."

FORMS AND TOOLS/ONLINE PROCESSES

None

APPENDIX

[Copyright Office Circular 22](#): How to Investigate the Copyright Status of a Work

Keywords: copyright, fair use, intellectual property, library, libraries, academic, faculty
