

**UC POLICIES ON THE USE OF COPYRIGHTED WORKS**  
**ISSUES FOR CONSIDERATION BY THE STANDING COMMITTEE ON COPYRIGHT**  
October 30, 2003

The University of California currently has two systemwide policies bearing on the academic use of copyrighted works:

- 1986 Policy and Guidelines on the Reproduction of Copyrighted Materials for Teaching and Research <<http://www.universityofcalifornia.edu/copyright/systemwide/pgrcmtrp.html>>
- 1985 Policy for Off-Air Recording of Broadcast Programming for Educational Purposes <<http://www.universityofcalifornia.edu/copyright/systemwide/porbpep2.html>>

Both policies are now over 15 years old, and for that reason may warrant review. Specific issues that might be considered in such a review include:

- *Technical updating.* For example, the *Guidelines on the Reproduction of Copyrighted Materials...* contain outdated information about copyright notices (§II.A.) and the duration of copyright protection (§II.B.).
- *Updating for new law.* These policies predate, and therefore do not address, the provisions of:
  - The No Electronic Theft Act (NET) (Public Law 105-147 [H.R. 2265], December 16, 1997). The NET Act provided for new civil and criminal penalties for various infringements of the copyrights of works in electronic form, including criminal penalties for some infringements that did not result in financial gain for the infringer, depending on the market value of the works infringed (e.g., for making files of copyrighted works available at no cost over the Internet). See <<http://www.usdoj.gov/criminal/cybercrime/17-18red.htm>>.
  - The Digital Millennium Copyright Act (DMCA) (Public Law 105-304 [H.R. 2281], October 28, 1998). The U.S. Copyright Office summary of the DMCA is available at <<http://www.loc.gov/copyright/legislation/dmca.pdf>>.
  - The Technology, Education and Copyright Harmonization Act (TEACH) ([S. 487] November 2, 2002). The Teach Act adds certain exemptions for the use of copyright-protected material in online and distance education. See the text of the bill at <<http://thomas.loc.gov/cgi-bin/query/z?c107:S.487.ES>> and guidance on application of the act at <<http://www.universityofcalifornia.edu/copyright/teach.html>>.
- *Updating for new technology.* In addition to photocopying and off-air recording, technologies currently in common use that involve academic use of copyrighted works now include the World Wide Web, course management systems, streaming digital video and audio, multimedia publications, digital libraries, PowerPoint slides, courseware, and peer-to-peer applications. The University of Illinois at Springfield “Policy and Guidelines for Classroom Copying of Copyrighted Materials,” for example, include sections on “Courseware” and “Distance Ed.” (the latter addressing the TEACH Act) (see <<http://library.uis.edu/aboutus/circulation/copyright/>>). The Princeton University “Guidelines for Instructional Use of Copyrighted Electronic and Multimedia Materials” (<<http://infoshare1.princeton.edu/reserves/libciticopyright.html>>) also provide some explicit guidance about copying of materials in electronic form.

- *Reconsidering the current approach to quantitative guidelines and “safe harbors.”* The quantitative guidelines included in the *UC Guidelines on the Reproduction of Copyrighted Materials*... are derived from guidelines developed by the Association of American Publishers, the Authors League of America, and the Ad Hoc Committee of Educational Organizations and Institutions on Copyright Law Revision in 1976. The Conference on Fair Use (CONFU), convened in conjunction with the development of the Digital Millennium Copyright Act, developed a variety of additional guidelines or minimum standards for copying that the participants believed would be within the boundaries of fair use, but these were never fully endorsed by all the CONFU participating organizations (see, for example, CONFU Proposal for Fair Use Guidelines for Educational Multimedia <<http://www.uspto.gov/web/offices/dcom/olia/confu/appendix.htm#j>>, CONFU Proposal for Educational Fair Use Guidelines for Distance Learning <<http://www.uspto.gov/web/offices/dcom/olia/confu/appendix.htm#i>>, and CONFU Proposal for Educational Fair Use: Guidelines for Digital Images <<http://www.uspto.gov/web/offices/dcom/olia/confu/appendix.htm#h>>). By contrast, some institutions now specifically eschew reliance on minimum copying guidelines, believing that “such guidelines are too often an unduly narrow or rigid definition of fair use, and they usually impose additional restrictions and conditions that are not part of the law” (see, for example, Indiana University-Purdue University-Indianapolis’ “Policy on Fair Use of Copyrighted Works for Education and Research” <[http://www.copyright.iupui.edu/iu\\_policy.htm](http://www.copyright.iupui.edu/iu_policy.htm)> and the accompanying “Statement of Supporting Principles” <<http://www.copyright.iupui.edu/policyprinc.html>>, especially Principle 8).
- *Structure and Style.* Most institutions follow the same model as the *UC Policy and Guidelines on the Reproduction of Copyrighted Materials for Teaching and Research* by presenting a brief policy statement along with more detailed guidelines (note, however, that the *Policy for Off-Air Recording of Broadcast Programming for Educational Purposes* does not follow this model). This structure allows the institution to update guidelines as frequently as needed to accommodate changes in law, technology and institutional needs without having to revisit and modify their fundamental policies. Additional examples of this model, with admirably brief basic policies, include Purdue University (<<http://www.lib.purdue.edu/uco/policy/>>), Indiana University-Purdue University-Indianapolis (cited above), and the University of Illinois at Springfield (cited above). Other institutions take a more comprehensive approach, incorporating copying guidelines in the body of their policy (e.g., Tufts University <<http://www.library.tufts.edu/fairuse/>>), Texas Tech <<http://www.depts.ttu.edu/opmanual/OP30.22.html>>).

#### Related Policies and Guidelines

- Policy on Copyright Ownership (<<http://www.ucop.edu/ucophome/coordrev/policy/8-19-92att.html>>)
- Policy on Ownership of Course Materials (<<http://www.ucop.edu/ucophome/coordrev/policy/9-25-03copyright.html>>)
- Digital Copyright Protection at the University of California (<<http://www.ucop.edu/irc/policy/copyright.html>>), including “UC Commitment to Copyright Law” (<<http://www.ucop.edu/irc/policy/copycommit.html>>).

- Additional related policies and guidelines listed at  
<<http://www.universityofcalifornia.edu/copyright/systemwide/ucpolicies.html#relatedpol>>

## Additional Resources

### **1. GENERAL GUIDELINES**

Stanford:

[http://fairuse.stanford.edu/Copyright\\_and\\_Fair\\_Use\\_Overview/chapter7/](http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter7/)

ALA Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use, March 1982 (prepared by the American Library Association)

<http://www.cni.org/docs/infopols/ALA.html#mpup>

### **2. POLICIES**

Carnegie Mellon University Copyright Policy (includes sample cases)

<http://www.cmu.edu/policies/documents/Copyright.html>

University System of Georgia Regents Guide to Understanding Copyright & Educational Fair Use (very long)

<http://www.usg.edu/admin/legal/copyright/>

Brown University Copyright and Fair Use

<http://www.brown.edu/Administration/Copyright/>

Colorado State Copyright Guidelines for Classroom and General University Use

<http://www.research.colostate.edu/copyriht.htm>

University of Utah Copyright Policy: Copying of Copyrighted Works

<http://www.admin.utah.edu/ppmanual/6/6-5.html>

University of Utah Copyright Policy: Performance or Display of Copyrighted Works

<http://www.admin.utah.edu/ppmanual/6/6-6.html>

University of Vermont University Libraries and Media Services Copyright Policy for Print and AV Materials

<http://www.uvm.edu/%7euvmppg/ppg/auxil/library/copyrite.htm>