

## HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 2	General Policies and Procedures	Effective:	December 2000
Section 2.3	Legal Affairs	Revised:	December 2008
<b>Policy 2.3.2</b>	<b>Use of Copyrighted Materials</b>	Responsibility:	Chief Legal Officer

# USE OF COPYRIGHTED MATERIALS

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## Policy

It is the policy of the Health Science Center to follow the U.S. Copyright Law of 1976, as amended, (Title 17, United States Code, hereinafter, the Copyright Act). Accordingly, all faculty, staff, and students of the Health Science Center should follow these policy guidelines:

1. Only copyrighted materials are subject to the restrictions in this policy. 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 U.S. 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. U.S. Copyright Office, Circular 22, at <http://www.loc.gov/copyright/circs/circ22.html> explains how to determine the copyright status of a work.
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3. Copyrighted materials may be copied or otherwise used without the copyright owner's permission where such copying constitutes "fair use" under the *Copyright Act*.
  4. 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 (see Fair Use of Copyrighted Materials section below) test indicates that the use is likely not fair, permission should be obtained from the copyright owner.
  5. If permitted by state law and procedures, The University of Texas System may defend any faculty or staff of the Health Science Center against a civil action alleging copyright infringement:
    - a. where the use is in accordance with the provisions of a valid software license agreement;
    - b. where the permission of the copyright owner has been obtained; or
    - c. where the Office of General Counsel has determined that the use is otherwise permissible.

Otherwise, faculty or staff of the Health Science Center will be personally responsible for the defense of a civil action for copyright infringement.

6. The Health Science Center is 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 notice:

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