

	FGCU POLICY 2.017	Responsible Unit: Library Services
	Use of Copyright Materials	

A. POLICY STATEMENT

The University strongly encourages University faculty, staff, and students to comply with copyright laws and respect the rights of copyright holders when using their works. The University will provide advice to employees who wish to use copyright materials in the course of their job duties and within the scope of the “fair use” doctrine.

B. REASON FOR POLICY

The purpose of this Policy is to provide information and guidance to the faculty, staff, and students in regards to the lawful use of copyrighted materials in educational activities.

C. APPLICABILITY AND/OR ACCOUNTABILITY

This Policy applies to faculty, staff, and students who use copyrighted materials or parts thereof.

D. DEFINITION OF TERMS

1. *Copyright*: A property right in an original work of authorship (such as literary, musical, artistic, photographic, or film work) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform, and display the work.
2. *Copyright Infringement*: The act of violating any of a Copyright owner’s exclusive rights granted by the federal Copyright Act, Title 17, United States Code.
3. *Derivative Work*: A work that can be copyrighted which is based on a preexisting copyrighted work, such as a translation, musical arrangement, fictionalization, motion-picture version, abridgement, or any other recast or adapted form. Only the holder of the Copyright on the original work can produce or give permission to another to produce.
4. *Published Work*: A work is “published” when copies are distributed to the public by sale or other transfer of ownership or by rental, lease, or lending.
5. *University Community*: The faculty, staff, and students of the University.

E. PROCEDURES

1. Use of Copyright Materials by the University Community

- a. Copyright law includes a number of exceptions to Copyright owners' exclusive rights. The most widely used exception in the University setting is the concept of "Fair Use". Fair Use allows a user of the copyrighted work to reproduce, modify, distribute, display, and publicly perform works created by others in certain circumstances and for certain purposes, including criticism, comment, news reporting, teaching, scholarship, or research. In addition to the purpose and character of the proposed use, Fair Use requires consideration of the nature of the copyrighted work, the amount and substantiality of the portion of the original work used, and the effect of the use upon the potential market for (or value of) the copyrighted work.
- b. Determining whether Fair Use applies can be complex and is generally handled on a case-by-case basis. The University provides general guidance and resources through Library Services and its internal policy on Copyright compliance. The Office of General Counsel may also be consulted on questions of Fair Use.

2. Reproduction of Copyright Materials by the University

Reproduction of Copyright materials by members of the University Community shall be in compliance with Copyright law. Requests of Library Services or any other University office or department to reproduce or transfer Copyright materials to other media types or varieties shall be done only after review of Copyright permissions and application of the relevant Copyright laws and consistent with Library Services' internal policy on Copyright compliance. The University Community is encouraged to contact Library Services prior to requesting the reproduction of Copyright materials.

3. Copyright Notice

The following Copyright policy statement must be placed on each photocopier and other reproduction equipment located on the University premises to notify users of the rights of Copyright holders and the legal use of Copyright materials by users. The University provides that notice in order to inform users of the legal requirements.

The Copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Copying, displaying, and distributing copyrighted works, may infringe the owner's Copyright. If a user makes reproductions of copyrighted works and later uses the reproductions for purposes in excess of "fair use", that user may be subject to the civil and criminal penalties of federal law, in addition to discipline under applicable University regulations or policies.

Related Information

Library internal policy 2012-03, Library Copyright Compliance Policy

Authority

Copyright Act, Title 17, United States Code

BOG Regulation 1.001; University Board of Trustees Powers and Duties

History of Policy

New 02/19/19; Format Changed 09/10/19

APPROVED

*s/Michael V. Martin
Michael V. Martin, President

February 19, 2019
Date