



Copyright Fair Use

Responsible Executive: Senior
Vice Provost for Faculty Affairs

Responsible Office: Library
Programs

Effective: Date

Last Revised: Date

1. Policy Statement

- 1.1. The mission of Oregon State University (“university”) is best achieved through the exchange of ideas, knowledge, and creative expression. The university recognizes that its faculty and staff engage in this exchange as both creators and users of intellectual property and this university policy demonstrates the university’s commitment to the appropriate use of copyrighted materials. Where uses of copyrighted works would exceed those permitted by fair use and other statutory exceptions, permission to use the copyrighted works must be obtained from the copyright owner.
- 1.2. University employees, using guidelines provided by the university, may make determinations about whether their use of copyrighted works falls into a fair use or other copyright exception.
- 1.3. University employees are not required to request permission from a copyright owner prior to displaying, reproducing, distributing, modifying, performing, or transmitting a copyrighted work if:
 - 1.3.1. Fair use or another copyright exception applies;
 - 1.3.2. The university employee or the university is the copyright owner; or
 - 1.3.3. The university employee’s use complies with the terms of a license possessed by the university.

2. Reason for Policy

- 2.1. Copyright law protects original works such as writings, music, visual arts, and films by giving the copyright holder a set of exclusive rights in that work. These rights include the right to copy, distribute, adapt, perform, display, and create derivative or collected works. In general, any use of copyrighted materials requires permission from, and potentially payment to, the copyright holder unless the use falls into a fair use or other copyright exception. This policy guides responsible decision-making in order to prevent copyright infringement by university employees.

- 2.2. Responsible decision-making means that university employees must make demonstrable good faith determinations on a case-by-case basis about whether they are required to seek permission to display, reproduce, transmit, modify, perform, or distribute copyrighted works, or whether their use of copyrighted works meets a fair use or other exception.

3. Scope & Audience

- 3.1. This university policy applies to all university employees, academic faculty, professional faculty, classified staff, law enforcement professionals, graduate assistants and student employees.

4. Definitions

- 4.1. None.

5. Responsibilities & Procedures

- 5.1. None.

6. Forms & Tools

- 6.1. University Libraries' copyright and fair use information:
<http://guides.library.oregonstate.edu/copyright>.
 - 6.1.1. Information about copyright clearance for CoursePacks:
coursepack.copyright@oregonstate.edu. (OSU Printing & Mailing)
 - 6.1.2. Information about copyright clearance for Ecampus:
EcampusFacultySupport@oregonstate.edu. (Ecampus faculty support)
- 6.2. University Libraries' Fair Use Worksheet:
https://guides.library.oregonstate.edu/ld.php?content_id=48669807.
- 6.3. Copyright training provided by University Libraries:
<https://guides.library.oregonstate.edu/Library-Workshops-for-Grad-Students-Faculty>.

7. Frequently Asked Questions

- 7.1. *Question: How do I know whether my university use of a copyrighted work is fair use?*
Answer: The university will provide general guidance and resources for employees to aid their understanding of copyright and help them follow the law. Members of the university community are encouraged to review the copyright and fair use guidelines

available on the University Libraries' copyright website, among other resources, and to contact their campus librarians if further advice is needed.

- 7.1.1. *Question/Hypothetical 1: A university professor wants to use a specific copyrighted work in their class materials. The professor checks with a university librarian and learns that the university does not have a license to use the copyrighted work and a license is not easily obtainable.*

Next, the professor uses the resources provided by the university on the Libraries' copyright website, including the fair use checklist, to determine if use of the copyrighted work in their class materials would constitute fair use. In good faith, the professor uses these tools and determines that it would be fair use. Will the university defend the professor if there's still a civil complaint of copyright infringement?

Answer: Decisions about university indemnification are made on a case-by-case basis. Based on the specifics of this hypothetical, the acts were in the course and scope of employment and university policies were followed, so the university would likely indemnify the employee.

- 7.1.2. *Question/Hypothetical 2: A university professor is writing a novel in their personal time and wants to use their favorite song lyrics as a poem that one of the novel's characters humorously tries to pass off as their own. Because the song is so popular, the professor decides to go ahead and include the lyrics in the novel, unattributed and without obtaining a license from the owner of the copyright to the lyrics. Will the university defend the professor if there is a complaint of copyright infringement to the lyrics after the novel is published?*

Answer: Decisions about university indemnification are made on a case-by-case basis. Based on the specifics of this hypothetical, the acts were not within the course and scope of employment and the university would likely not indemnify the professor in their role as a novelist. Even if novel-writing were in the professor's job duties, the policy was not followed and efforts were not made to gain a license or determine fair use.

- 7.2. *Question: Can I reproduce and share copyrighted works from the University Library if the Library holds a license for the copyrighted work?* Answer: Resources licensed by the libraries often explicitly allow sharing within the campus community. [Contact a librarian](#) to check on the rights for a specific copyrighted work.

- 7.3. For more FAQs, visit the university's [Copyright and Fair Use](#) webpage.

8. Related Information

- 8.1. Copyright-related questions: copyright@oregonstate.edu. (OSU Libraries)

- 8.2. University license-related questions: e-resources@oregonstate.edu. (OSU Libraries)
- 8.3. University Policy 06-200 *Intellectual Property* [link TBD]
- 8.4. *Copyright and Fair Use*, Stanford University libraries, available at <https://fairuse.stanford.edu/overview/fair-use/>.
- 8.5. United States copyright law as found in [Title 17 of the United States Code](#).
- 8.6. The [Digital Millennium Copyright Act](#) , and the [DMCA exemptions of 2006: https://oregonstate.edu/digital-millennium-copyright-act](#).

9. History

- 9.1. Adopted: University Policy 01-010 *Copyright Fair Use* was adopted by Oregon State University on XXX. This policy supersedes and replaces *OSU Policy on Copying and Distributing Course Materials* (2004).
- 9.2. Next scheduled review date: XXX.

10. Website

- 10.1. [link].

11. Contacts

Department	Phone Number	Website
University Libraries	541-737-3331	https://library.oregonstate.edu/