

INTERIM POLICY

Fair Use of Copyrighted Works for Education and Research

I. Purpose

Governors State University (GSU) is an institution dedicated to research, discovery, and dissemination of knowledge to educate students and serve the public. In pursuit of its mission, and consistent with applicable laws and policies, GSU requires faculty, staff, and students to make appropriate use of intellectual property and sharing the results of their work. The following establishes a policy governing the use of intellectual property in order to achieve those ends in accordance with applicable University policies and intellectual property laws of the United States.

II. Definitions

“Copyright” is a subset of the larger category of property rights that govern both tangible and intangible property (intellectual property). The 1976 United States Copyright Law automatically protects works which are transfixed in a tangible medium, without registration of the copyright.

“Fair Use” shall have the same meaning as in Title 17 U.S.C. Section 107, “...including such use by reproduction in copies ...for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research...”. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include: 1. The purpose and character of the use, 2. the nature of the copyrighted work, 3. the amount and substantiality of the portion to be copied, 4. the effect upon the potential market.

“Intellectual Property”, also known as intangible property, includes creative works, which are protected by copyright and trademark law, as well as technical and scientific works, which are protected by patent law. “Copyright Rights”, as is defined in the University Sponsored Educational Material Policy: shall include all rights recognized under sections 106 and 106A of the Copyright Act of 1976 as amended (17 U.S.C.A. 101 et seq.). These rights include the right of the author to reproduce and distribute his/her own works, perform or display the work publicly, and prepare derivative works of the work.

“Copyrightable Work”, as is defined in the University Sponsored Educational Material Policy: shall include any material that is copyrightable under the laws of the United States (17 U.S.C.A. 101 et seq. as amended) and shall include, but not be limited to, printed material, art, music, computer software or databases, audio and visual materials, circuit diagrams, engineering and architectural drawings, dramatic compositions, works intended for presentation and/or use on the Internet or an intranet, choreographic works, and pictorial or graphic works fixed in any tangible medium of expression. Ideas and facts are not copyrightable.

III. Policy Statement

It is the policy of Governors State University to exercise its Fair Use rights under the Copyright Law of 1976, Title 17 U. S. Code as amended, and to comply with all applicable laws regarding copyright.

IV. Interpretation and Administration

- A. In accordance with the Policy on University Sponsored Educational Materials , the President shall designate an appropriate officer of the University as Copyright Administrator to administer the provisions of this policy and a University committee on copyrights shall be established. Composition of the committee shall be as detailed in the University Sponsored Educational Materials Policy.
- B. In addition to the duties detailed in the University Sponsored Educational Materials Policy, the Copyright Committee shall:
 - 1. Review copyright questions and make recommendations to the Provost regarding issues of ownership and other exceptions to policy.
 - 2. Recommend policy to Provost, Educational Policies Committee, and University President
- C. The Copyright Administrator is responsible for the day-to-day administration of this policy. This will include, but not be limited to, the following:
 - 1. Liaison between Copyright Committee and Provost Office regarding issues of copyright ownership, and other exceptions to copyright regulation and policy.
 - 2. Recommend Copyright Committee appointments to the University President.
 - 3. The Copyright Administrator shall call meetings and facilitate discussion.
 - 4. Develop University guidelines and procedures for faculty, staff, and students on copyrights and application of university policy.
 - 5. Mediate disputes that arise regarding copyright ownership and use of copyrighted materials in consultation with University Counsel and the Copyright Committee. When the Copyright Administrator's decisions are in dispute, the Provost will make a final decision.
 - 6. Oversee and monitor retention of permissions and other authorization records created in implementation of this policy.
- D. To that end, the University shall, through the Copyright Administrator, with advice from the University Counsel:

1. Inform and educate its faculty, staff, and students about their Fair-Use rights and responsibilities and application of those rights and responsibilities as found in U. S. C. 17 Section 107, as amended;
2. Develop and make available effective resources concerning Fair-Use and intellectual property laws generally and the application of Fair Use in specific situations; and
3. Promote good faith efforts among faculty, staff, and students to comply with copyright law.

Effective September 29, 2004