



UNIVERSITY OF THE
INCARNATE WORD

EMPLOYEE HANDBOOK

CHAPTER 17 – COPYRIGHT

Effective Date: June 1, 2015

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Dean of Libraries

Purpose:

The purpose of this document is to communicate UIW’s policy related to the use of copyright protected resources. Employees, students, and all UIW affiliates, in any role or relationship to or for the university, will abide by United States Copyright Law.

Scope:

Unless otherwise noted in this policy and within a specific policy, all references to “UIW” in the policies and in this document are applicable to and inclusive of St. Anthony Catholic High School (SACHS). This policy was developed in compliance with the *Bylaws* of the University of the Incarnate Word, including all amendments thereto, which stipulate that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW. This policy applies to anyone using UIW’s technologies and systems such as computers, software, licenses, networks, data, and other related facilities. This policy adopts the resource [UIW Libraries Copyright & Fair Use LibGuide](#) as if fully set forth in this policy.

Definitions:

Copyright – Is considered to be one form of intellectual property. The U.S. [Copyright Office](#) [defines](#) copyright as a “*form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works.*” U.S. Copyright applies to any work with a “modicum of creativity” fixed in a tangible medium of expression from the moment of creation. An author/creator does not need to register a work with the U.S. Copyright Office, although, there are benefits to doing so. Factual information such as a list of numbers and figures, titles, and names do not have copyright protection.

Fair Use – is an exception to the [exclusive rights of a copyright owner](#) in that it allows the use of a copyrighted work without permission based on four factors. There is no specific definition or “safe harbor” for what constitutes fair use. Each use must be analyzed on a case-by-case basis. Use of copyrighted resources in higher education may have factors that support a fair use claim, but not all educational use is fair use, and one factor may weigh more heavily in determining a fair use claim. Applicable guidelines and other information concerning fair use are located on the [UIW Libraries Copyright & Fair Use LibGuide](#).

Public Domain – [Works in the public domain](#) are free to use without permission. They have no copyright protections. Authors/creators can release their work directly to the public domain and works fall into the public domain after a certain number of years. Some works do not meet the criteria for copyright protections.

Intellectual Property “IP” - There are four main types of intellectual property: patents, trademarks, copyright, and trade secrets. The UIW Policy on Intellectual Policy covers how IP ownership is managed by the University. The UIW Policy on Intellectual Property is located in Chapter 14 of the Employee Handbook.

Licensing – Content owners (including content vendors) license their work to defined users for defined purposes. There are limitations on this usage, but the license allows this defined usage by authorized users without seeking permission per the licensed terms. Other kinds of licensing allow work to be shared openly. [Creative Commons](#) licensing, [GNU Licensing](#) (for software), and other open licensing allow the content owner to specify how a work will be openly shared with specific usage in the licensed terms.

Legal Status:

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on main campus and other UIW sites, conducting UIW business off-campus, or otherwise representing UIW. UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm or entity, not to provide terms or conditions of employment which are binding on UIW. In the event of any interpretive differences between UIW policies and division of department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees. UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or cancelled in writing, or expire on their own terms.

OVERSIGHT RESPONSIBILITIES FOR THIS POLICY:

1. Each community member is responsible for compliance with this policy and U.S. Copyright Law.
2. Oversight and review of this policy is assigned to the Dean of Libraries and will be reviewed every 3 to 5 years.
3. Oversight responsibilities for receipt of copyright infringement complaints is assigned to the [Office of General Counsel](#).
4. The Dean of Libraries, through the programs and services of UIW Libraries, will partner in providing education and resources for the development of general knowledge and understanding of copyright. Referrals to the Office of General Counsel may be made when specific questions of legality of use and possible infringement arise.

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Section 17.1 – General

It is the Board of Trustees' intent that all UIW employees, all students, and all UIW affiliates in any role or relationship to or for the university abide by U.S. Copyright Law ([Title 17, U.S.C., Section 101, et. seq.](#)) Each member of the UIW community is responsible for understanding and complying with this policy and related laws.

To that end, employees, students, and affiliates, as well as affiliates who are work for hire, are:

- Forbidden to make copies of copyrighted works (including software, digital resources, or any other form of work) unless the actions and uses are authorized under law such as **(a)** fair use, **(b)** special exemption described in federal law, **(c)** are licensed for the specific action taken, **(d)** have written permission for the specific use by the copyright owner.
- Cannot perform copyrighted works unless the performance has been licensed, purchased with performance rights, can be considered fair use, or written permission has been obtained by the copyright owner OR the performance is authorized under [Title 17, U.S.C., Sections 110 \(1\), \(2\), \(4\), or \(8\)](#).
- Forbidden to show, display, or play any copyrighted audio/visual works in public unless the work has been licensed commercially or with open access licensing or purchased with *non-theatrical, public performance rights*. Public viewing is defined as the screening, streaming, or playing of media content to individuals in an environment that is *not direct, mediated instruction by an instructor to students in a course for academic credit*; and
- Forbidden to use university equipment and other provided resources that violate copyright law. This policy covers photocopy equipment, audio/visual recording equipment, digital recording and duplication equipment, computers, systems and software, networks, Internet access, any unlisted and developing technologies, and personnel.

For more information about U.S. Copyright Law including any amendments to the law, visit the [U.S. Copyright Office website](#) and the [UIW Libraries Copyright and Fair Use LibGuide](#).