

# Copyright Policy For Oklahoma City University

Copyright is designed to promote science and the arts by protecting the rights of the creators of new works to reproduce, adapt, publish, perform, and display these works. These exclusive rights are limited by the concept of “fair use” which allows the use of copyrighted works “for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research” (U.S. Code Title 7 section 107)

Oklahoma City University strongly supports the rights of creators of copyrighted works and the fair use of such works in the educational setting. Oklahoma City University faculty, staff, and students are expected to comply with copyright law.

## Digital Millennium Copyright Act Contact Information

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## Copyright and the Public Domain

Works in the public domain may be used without restriction. All works created before 1923 are in the public domain. Works created between 1923 and 1977 may be copyrighted and all works “fixed in a tangible medium” (for example written or recorded) since January 1, 1978 are currently copyrighted. Copyrighted works may be used based on the Fair Use doctrine. (See Fair Use Guidelines.)

**For more detail on the public domain see bibliography**

## Fair Use Guidelines for Copyrighted Works

Four factors are used to determine if a specific use of a copyrighted work is fair use. They are:

1. The purpose and character of the use.

Nonprofit educational use is a positive factor for fair use.

2. The nature of the copyrighted work.

If the copyrighted work is largely data or facts, it is more likely to be fair use than if it is an artistic work.

3. The amount of the work used in relation to the whole work.

Small excerpts are more likely to be fair use than using the entire work.

4. The effect on the potential market.

If the use is likely to prevent others from purchasing the work then it is unlikely to be fair use, especially if there is any question about the other three factors meeting fair use criteria.

**For more detail on fair use see bibliography**

## Safe Harbor Guidelines (Guaranteed Fair Use of Copyrighted Materials)

In addition to the fair use guidelines outlined in the copyright law, publishers, librarians, and educators developed descriptions of uses that were definitely fair use. If the use you are contemplating is included in these guidelines, it is fair. If the use you are contemplating is not in these guidelines, it may be fair use or it may be an infringement of copyright. You will need to return to the Fair Use Guidelines to make a determination.

## **Books & Periodicals:**

### I. Single Copies for teaching & class preparation

book chapter  
periodical article  
short story  
short essay  
short poem  
illustration

### II. Multiple Copies for Classroom Use

Not more than one copy per student and each includes a notice of copyright (copied from the original when possible)

Short (250 words from a poem, complete article or essay up to 2500 words, 500 to 1000 words from a longer prose work, 1 illustration, 10% of a short children's book)

Spontaneous (teacher led, decision and use too close together to obtain permission)

Cumulative effect (only one course, not more than 2 items from the same author, or 3 items from the same collected work, 9 total uses of multiple copying per course)

### III. Prohibitions

Cannot replace anthologies, textbooks, or publishers reprints

Cannot be directed from above (For example, a dean or chair cannot tell a faculty member to make copies of the needed chapters from a book rather than having students buy it.)

Cannot be repeated from term to term (For example, a faculty member cannot distribute or place on reserve the same article each time he or she teaches a class.)

Cannot charge students more than actual cost of photocopying

No copying of consumable materials (workbooks, exercises, test booklets...)

## **Music:**

### A. Explicitly allowed:

1. Emergency copies that will be replaced by purchased copies as soon as they arrive.
2. Copies for academic non-performance uses as long as the entire performable section is not copied.
3. Edited copies of owned originals as long as lyrics are not changed and music changes do not change the fundamental character of the work.
4. A single recording of student performances.
5. A single copy of an owned sound recording used for aural exercises or exams.

### B. Prohibited:

1. Copying to create anthologies, compilations or collective works.
2. Copying consumable materials (workbooks, exercises, test booklets...)
3. Copying for use in performance
4. Copying without the original copyright notice

**For more detail on safe harbor guidelines see bibliography**

## **Creative Commons**

Many authors are now choosing another option between copyright's "all rights reserved" and the complete freedom of public domain use. This option allows authors and creators to decide which rights they wish to reserve, but is more generous about use than traditional copyright.

**For more detail on the creative commons see bibliography**

# Examples of Appropriate and Inappropriate Uses of Copyrighted Works

## Appropriate Classroom Uses of Copyrighted Works

- Distribute multiple copies of excerpts of copyrighted works that meet the fair use standards (include copyright notice).
- Show Videos or DVD in class for instructional purposes (if university or professor owns a legal copy)
- Listen to CDs or records in class for instructional purposes (if university or professor owns a legal copy)
- Include a small number of images (no more than 5 from one author) in a multimedia presentation
- Live music performances in class
- Performance of a dramatic work (not to the public and not for profit)

## Appropriate Out of Classroom Uses of Copyrighted Works

### In the Library:

- Make copies of articles, book chapters, essays, short stories, etc. for class preparation or research.
- Place photocopies of excerpts of copyrighted works that meet the fair use standards on reserve (include copyright notice).
- Place originals of books, CDs, DVDs, or other materials on reserve.
- Place electronic copies of articles and electronic books from library databases on reserve.

### Online:

- Post instructor authored materials (syllabus, notes, etc.)
- Post copies of material from the public domain
- Post or link to materials according to a Creative Commons license.
- Link to articles from library databases (ask a librarian for help if needed)
- Link to freely available web sites
- Post material appropriate for classroom use on restricted web site, with these restrictions:
  - Only available to students in the course & necessary administrators (use passwords)
  - Posted excerpts of motion pictures or other audiovisual materials are not longer than a traditional class session, are integrated into course content and supervised by the instructor
  - Efforts must be made to prevent students from downloading, printing, or saving copyrighted materials.
  - Items designed and licensed for distance education must follow author/publisher licensing guidelines

## Inappropriate Uses of Copyrighted Works

- Posting copyrighted materials on the open web without permission.
- Copying from consumable materials (for example workbooks, test booklets, etc.)
- Copying and distributing or placing on reserve the same excerpts for more than 1 semester without copyright permission.
- Copying large portions of materials, especially to avoid purchasing a copy.
- Copying music for use in performance.

## **A Note About Chapel**

- Oklahoma City University uses Christian Copyright Licensing International for copyright clearances for music and lyrics copied or projected for chapel or other worship services.
- Public Performance as a part of religious services are explicitly allowed under copyright law.

## **Notes About Public Performances**

- Blanket Licenses for Use of Music
  - Oklahoma City University maintains blanket college and university license agreements with ASCAP, BMI, and SESAC to cover non-dramatic public performance of music on and off campus by university academic units and organizations.
  - Requirement for Music Licensing for Non-Oklahoma City University Groups and Organizations Using University Facilities
    - Non-university organizations which are not sponsored by Oklahoma City University are required to obtain appropriate ASCAP, BMI, and SESAC licenses covering use of music for their events on campus. Licenses from all three licensing organizations must be acquired for an event. Proof of being granted licenses for the events must be attached to the signed facility usage agreement before the event occurs.
  - Requirement for Music Licensing for Events Co-Sponsored by Oklahoma City University and Professional Presenters or Promoters
    - When an event using music is co-sponsored by Oklahoma City University and professional presenters or promoters, the professional presenter or promoter must obtain the appropriate ASCAP, BMI, and SESAC licenses and present proof of licensing to the designated Oklahoma City University official before the event occurs.
- Most dramatic performances (including showing of films) require special fees to the copyright owner.
- The Ensemble Librarian for the Wanda L. Bass School of Music handles public performance rights for the school and can provide further information.

## References:

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