



### I. 2.3.2 Use of Copyrighted Materials

Chapter 2 - General	Original Effective Date: December 2000
Section: 2.3 Legal Affairs	Date Last Reviewed: May 2013
Responsible Entity: Chief Legal Officer	Date Last Revised: May 2013

### II. Purpose

To establish the University of Texas Health Science Center at San Antonio (UT Health San Antonio) policy regarding the use of copyrighted materials.

### III. Scope

This policy applies to all faculty, staff, and students of UT Health San Antonio.

### IV. Policy

- A. It is the policy of UT Health San Antonio to follow the *U.S. Copyright Law of 1976*, as amended, (Title 17, United States Code, hereinafter, the *Copyright Act*). Accordingly, all faculty, staff and students of UT Health San Antonio should follow these policy guidelines:
1. Only copyrighted materials are subject to the restrictions in this policy. Uncopyrighted materials may be copied freely and without restriction. Because a copyright notice is not required for copyright protection of works published on or after March 1, 1989, most works (except those authored by the U.S. Government) should be presumed to be copyright protected, unless further information from the copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain. Works published prior to March 1, 1989, generally require a copyright notice to be protected. U.S. Copyright Office, [Circular 22](#), explains how to determine the copyright status of a work.
  2. Copyrighted software may be copied without the copyright owner's permission only in accordance with the *Copyright Act*. Section 117 of the *Copyright Act* permits making an archival back-up copy. Most software, however, is licensed to the user and the terms of the license agreement may give the user permission to make copies of the software in excess of the archival copy permitted by the *Copyright Act*. Each software license agreement is unique. As a result, the user's rights to copy licensed software beyond that which is permitted under the *Copyright Act* may only be determined by reading the user's license agreement. Any copying or reproduction

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of copyrighted software on University of Texas System or UT Health San Antonio computing equipment must be in accordance with the *Copyright Act* and the pertinent software license agreement. Further, UT Health San Antonio faculty, staff, and students may not use unauthorized copies of software on The University of Texas System or UT Health San Antonio owned computers or networks or computers housed in The University of Texas System or UT Health San Antonio facilities.

3. Copyrighted materials maybe copied or otherwise used without the copyright owner's permission where such copying constitutes "fair use" under the *Copyright Act*.
4. Permission should be obtained from the copyright owner in order to copy or otherwise use materials, including software, music, audio/video/film clips, drawings, etc. where:
  - a. the materials are copyrighted;
  - b. use exceeds what is permitted by license; and,
  - c. the four-factor fair use (*see Fair Use of Copyrighted Materials section below*) test indicates that the use is likely not fair; permission should be obtained from the copyright owner.
5. If permitted by state law and procedures, The University of Texas System may defend any UT Health San Antonio faculty or staff against a civil action alleging copyright infringement:
  - a. where the use is in accordance with the provisions of a valid software license agreement;
  - b. where the permission of the copyright owner has been obtained; or
  - c. where the Office of General Counsel has determined that the use is otherwise permissible.

Otherwise, UT Health San Antonio faculty or staff will be personally responsible for the defense of a civil action for copyright infringement.

6. UT Health San Antonio is responsible for posting notices reflecting this policy at all computer and photocopying stations which may be used for reproducing copyrighted materials, e.g., departmental copy rooms and libraries, and at or near all computer stations. The following is a suggested notice:
  - a. Copyright Notice: "Copying, displaying, and distributing copyrighted works, may infringe the owner's copyright. The University of Texas System's policy statement on "Fair Use of Copyrighted Materials" can help you determine whether your use of a copyrighted work is a fair use or requires permission. Any use of computer or duplicating facilities by students, faculty, or staff for infringing use of copyrighted works subject to appropriate disciplinary action, as well as those civil remedies and criminal penalties provided by federal law."

#### B. Fair Use of Copyrighted Materials

2.3.2 Use of Copyrighted Materials

The University of Texas System has published the "Fair Use of Copyrighted Materials" at <https://www.utsystem.edu/offices/general-counsel/intellectual-property#copyrights>.

**V. Definitions**

*There are no defined terms used in this Policy.*

**VI. Related References**

*There are no related documents associated with this Policy.*

**VII. Review and Approval History**

The approving authority of this policy is the University Executive Committee.

Effective Date	Action Taken	Approved By	Approved Date
12/2000	Policy Origination		
05/2013	Policy Revision		
06/2021	Policy Update/new template		