COPYRIGHT POLICY

EXECUTIVE SUMMARY

All members of the BYU community—faculty, staff, students, volunteers, and patrons—are expected to respect the rights of copyright owners as established by relevant state and federal laws. Members of the BYU community who disregard the Copyright Policy may be in violation of the Church Educational System Honor Code; may jeopardize their employment; may place themselves at risk for possible legal action; and may incur personal liability.

POLICY

The use of intellectual property, such as materials protected by copyright, is affected by the ownership rights in those materials. In our educational environment and as members of the BYU community, we recognize the value of those rights as expressed in the copyright laws of the United States. Because of advances in technology and ease in copying, transmitting, distributing, adapting, displaying, or performing copyrighted works, individuals must increasingly be aware of various copyright implications when using a wide range of materials. Copyright violations related to printed materials, materials in digital format, audio and video recordings, music, Internet transmissions, computer programs, databases, or any other types of materials create potential legal liability for the university and the individuals involved.

All members of the BYU community—faculty, staff, students, volunteers, and patrons—are expected to make a good faith effort to respect the rights of copyright owners. To support BYU’s mission to create, discover, and disseminate knowledge and to further BYU’s primary purpose of teaching and research, BYU supports the responsible, good faith exercise of the following principles:

• Most materials (regardless of form, format, or copyright notice) are protected by copyright. If it cannot be determined whether a particular work is protected by copyright, then it should be assumed that it is protected.

• A good faith effort should be attempted to secure permission from the copyright owner to use the work before copying, transmitting, distributing, adapting, displaying, or performing the copyrighted work. Permission, however, may not be needed if the proposed use falls within certain exceptions. For example:

  • Some uses may be permitted under the “fair use” doctrine (codified in 17 U.S.C.§107) in certain circumstances and for specific purposes if the weighing of several factors favors a reasoned conclusion for fair use. These factors include (i) the purpose and character of the use including whether such use is of a commercial
nature or is for nonprofit educational purposes; (ii) the nature of the copyrighted work; (iii) the amount and substantiality of the portion taken in relation to the copyright material as a whole; and (iv) the effect of the use upon the potential market for or value of the copyrighted material.

- Educators and students may perform or display (not copy) a copyrighted work in the course of face-to-face teaching at a nonprofit educational institution in a classroom or other place normally devoted to instruction (codified in 17 U.S.C.§110).
- A library may copy the work under circumstances unique to its function (codified in 17 U.S.C.§108).

- Members of the BYU community should be honest and show respect for others, especially in decisions and choices requiring subjective judgments, as is often the case in copyright decisions.

Members of the BYU community who disregard this Copyright Policy may violate the Church Educational System Honor Code and the terms of their employment (i.e., they may jeopardize their employment); may place themselves at risk for possible legal action, and may incur personal liability.

To assist members of the BYU community with copyright issues, the university provides an experienced and trained staff to offer help and guidance in resolving copyright questions. The role and mission of the BYU Copyright Licensing Office is to (1) inform and educate the BYU community about the application of copyright principles; (2) help the BYU community obtain permission for the use of copyrighted material or document a good faith effort to comply with copyright requirements; and (3) develop and distribute to the BYU community copyright resource materials. For assistance with copyright matters, members of the BYU community are encouraged to consult with the BYU Copyright Licensing Office staff at 3760 HBL, (801) 422-9339 (www.copyright.byu.edu); or the Office of General Counsel, A-357 ASB (801) 422-6727. Questions regarding general intellectual property ownership may be referred to the Office of Technology Transfer, 3760 HBL, (801) 422-6266 (http://ipsinfo.byu.edu/ippolicy.htm).