

COPYRIGHT FACTS FOR HSC FACULTY MEMBERS

Background

Federal copyright statutes grant authors or owners (e.g. publishers) of tangible creative material such as books, journal articles, movies, music, images, and websites generous rights of ownership for their works. These rights include reproducing, distributing, or displaying their copyrighted works. These works do not have to bear either the copyright symbol (©) or a statement of copyright ownership to be copyrighted.

Fair Use

Copyright law permits limited exceptions to the rights of copyright holders in order to provide for instructional use of materials in courses at non-profit educational institutions such as UNM. These exceptions are traditionally known as “fair use.” For detailed information on Fair Use guidelines for various situations related to faculty use of copyrighted material, please consult: <http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm>.

Electronic Reserves and Online Courses

Fair use generally allows a lawfully-acquired copyrighted work to be used without permission from copyright owners, especially when students access it via secure password, and the work:

- Displays any copyright notice, which may appear on the original item, and will be available for a short duration of time;
- Made available represents a small proportion of the total work, conservatively defined as less than 10% of the work or 2,500 words, whichever is less;
- Is not used repeatedly over many semesters.

Longer durations, larger portions, and use over many semesters may require permission from the copyright owner.

Print Reserves

A copyrighted work such as a book or a journal issue can be placed on print reserve for multiple semesters, if either a UNM library or the teaching faculty member owns it.

Websites

Faculty members or affiliated employees generally should not post copyrighted items on their websites without permission from the copyright owner, particularly when absent a secure password for access to these websites. These websites, however, can provide links to copyrighted materials residing on other websites.

Safe Strategies

Faculty members can make class assignments that include copyrighted materials simply by giving students the references to owned works or by linking to these works. Faculty members also can provide links for students to peer reviewed open access journals such as found on PubMed Central or Public Library of Science (PLOS). The UNM Bookstore can license copyrighted materials for faculty members.

Authors' Rights

By carefully managing how they assign copyright to a publisher, authors can exercise their rights to allow for the reproduction and display of their works for non-profit educational or research purposes. For example, authors can assure that they retain the right to publish a journal article through open access outlets such as PubMed Central, Public Library of Science (PLOS), or UNM's institutional repository, DSpaceUNM. For more information, link to: <https://repository.unm.edu> or <http://creativecommons.org> or <http://www.createchange.org>

Notice: These guidelines are intended for quick reference. There are many ambiguities to current copyright law interpretation not covered here. The UNM Bookstore can secure copyright permissions: contact Director Melanie Sparks at 277-7464 or visit their website at <http://bookstore.unm.edu/outerweb/permission.asp?mscssid=3FSHCRVNNJ2B9MRTKDT0AW2B080D4ES5>. The Copyright Clearinghouse has produced a helpful overall guide to copyright at: <http://www.copyright.com/services/AcademicGuide/>. The UNM Technology & Research Law site will provide a UNM context for copyright law: <http://www.unm.edu/%7Eripls/copyinfo.htm>