



Ohio Administrative Code

Rule 3342-3-10 University policy regarding use of copyright-protected works.

Effective: January 19, 2016

(A) Policy statement. It is the policy of the university to respect, and comply with, the copyright laws of the United States (Title 17 of the United States Code, or the Copyright Act). Accordingly, members of the university community desiring to use copyrighted materials are responsible for complying with the Copyright Act in good faith.

(B) Implementation. Office of general counsel in cooperation with university libraries copyright services.

(C) Scope. This policy shall apply to all university faculty, staff, and students seeking to use copyright-protected works.

(D) Use of a copyright-protected work.

(1) Unless a work is in the public domain or available for use under a creative commons or other public copyright license, it should be generally assumed that the work is copyright-protected. If there is no applicable license, exemption, or exclusion to permit use of a copyright-protected work, permission must be obtained from the copyright holder or a representative of the copyright holder. Faculty, students, and staff members are individually responsible for assessing whether a copyright-protected work is available for use, and if required, ensuring that the appropriate permission is obtained from the copyright holder or a representative of the copyright holder prior to use of the work.

(2) Limitations to exclusive copyright. Permission to use a copyright-protected work is not required in accordance with certain limitations to exclusive rights to copyright set forth in the Copyright Act. Such limitations include, but are not limited to, the exemptions set forth in this section below. Faculty, staff and students should refer to <http://www.library.kent.edu/copyright> for detailed information, guidance, and resources on copyright exemptions prior to relying on any exemption for use of a copyright-protected work.



(a) Public domain. A public domain work is a work that is not protected by copyright and which may be freely used. Works in the public domain include works published in the U.S. before January 1, 1923, most works owned by the federal government, or, prior to 1989, works for which an author has failed to satisfy a statutory formality required in the Copyright Act.

(b) Classroom exemptions. Section 110 of the Copyright Act allows for performance and display of a lawfully made copy of a copyright-protected work by instructors or students in the course of teaching activities (not entertainment) in a classroom (physical or virtual, or similar place devoted to educational instruction) as part of a curriculum.

(c) Fair use. If no other exemption is available, the fair use provisions set forth in section 107 of the Copyright Act allow for a limited use of a copyright-protected work without permission from the copyright holder. Prior to relying on fair use, a fair use analysis must be completed in good faith and on a case-by-case basis by the individual utilizing the copyrighted work.

(E) Permissions and licensing.

(1) Permissions must be obtained by the faculty, student, or staff member in all instances where it is determined that use of a copyright-protected work does not fit within an exemption or that the desired use exceeds fair use.

(2) Faculty, staff, and students may contact university libraries copyright services for assistance in obtaining permissions from the copyright holder.