
Subject: Reminder to Review Copyright Compliance Laws & Regulations
Date: Monday, November 21, 2022 at 2:18:06 PM Eastern Standard Time
From: Information Technology Services
To:



This email is not in direct response to any action taken by you. We ask that you please review the below information for your personal knowledge. In accordance with federal requirements, the University is sending you a reminder of copyright laws and how to appropriately use the works of others.

Copyright provides legal protection to works of authorship in any medium, from textbooks, to music, to images and film, to movies. If a work is protected by copyright, you cannot use it in certain ways without the permission of the copyright owner. Specifically, copyright often provides that you cannot make copies of those works without the permission of the copyright owner. Making unauthorized copies of a copyrighted work may be copyright infringement.

For example, you are infringing copyright if you download copyrighted music or movies from websites that do not have the copyright owner's permission to distribute those works.

Penalties for copyright infringement may include termination of computer and internet privileges at the University, as well as potential civil liability, or even criminal penalties (if you are selling copyrighted works for financial gain or commercial advantage without permission.)

However, not all works of authorship are protected by copyright. Works copyrighted before 1978 are protected for 95 years, so as of January 1, 2022, any work first published in 1926 is in the public domain. Works copyrighted in or after 1978 may not come into the public domain for much longer. Placing something on the Internet does not place something in the public domain, so never assume something that has been placed on the Internet is free to use. In addition, some authors grant Creative Commons licenses to authorize different uses of their work.

Furthermore, the fair use doctrine provides that some uses of copyrighted works are non-infringing, such as when used for criticism, comment, news reporting, teaching, scholarship, or research. However, even in those uses, fair use requires an analysis

of four very-specific factors that are situation-specific and not easily applied without legal guidance: purpose and character of the use; nature of the copyrighted work, amount and substantiality of the amount used; and effect on the market or value of the work. As an example, if you use a work in a way that transforms the work or does not conflict with the copyright owner's ability to sell copies of the work, it could be a fair use. However, how this is applied is difficult to explain without a specific example because the copyright owner also has the exclusive right to create adaptations of the original work, e.g., a derivative (a film adaptation of a play, a new arrangement for music, etc.), so the transformation needs to be substantial. Likewise, making personal copies of a work for an academic purpose is a fair use, but posting or downloading copies of a work to a website is not a fair use.

There are certain other specific allowances in some teaching settings for use of copyrighted works in U.S. for face-to-face instruction (governed by 17 U.S.C. §110(1)) and the TEACH Act (17 U.S.C. §110(2)).

For more information, please visit the "Copyright Compliance" section of the [Policies, Recommendations, & Standards](#) in the Tech Help Center.

Help us spread the word about copyright compliance by sharing our tips at its.uky.edu/cybersafe with #CyberSafeCats.



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