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To: _____

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Subject: Annual Required Disclosure | Federal Copyright Compliance Laws & Regulations



This email is not in response to any action taken by you. We ask that you please review the information below 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.

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Penalties for copyright infringement may include disabling your network access and/or your University account, 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. In the U.S., works copyrighted before 1978 are protected for 95 years, so as of January 1, 2023, any work first published prior to January 1, 1928, is in the public domain. U.S. works copyrighted in or after 1978 may not come into the public domain for much longer.

Fair Use Doctrine

The fair use doctrine provides limited allowances to the unlicensed use of copyright-protected works in certain circumstances, such as when a work is used for criticism, parody, comment, news reporting, teaching, scholarship, or research. Many fair uses are obvious. For example, quoting a book or article in a scholarly work is always a fair use. But it is often uncertain whether other kinds of uses of a copyrighted work are fair. Typically, fair use requires an analysis of four factors that are situation-specific and often not easily applied without legal guidance: the purpose and character of the use or whether the work is "transformed"; the nature of the copyrighted work; the amount and substantiality of the amount used; and the effect on the market for or value of the work.

For example, if you use part of an image to create a collage, it is probably a fair use because it transforms the work and does not conflict with the copyright owner's ability to sell copies of the work. 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 Policy" and "How do I resolve a DMCA or copyright compliance violation?" links on the IT Administrative Regulations, Policies, Standards, Guidelines, Etc. [page](#) in the Tech Help Center. For printed copies of this announcement, the policy, or resolution procedures please email cybersecurity@uky.edu with your request and mailing address and/or visit the James F. Hardymon Building, Suite 106, on the Lexington, KY campus and request a copy be printed in-person.

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