



## **OTTAWA UNIVERSITY COPYRIGHT COMPLIANCE POLICY**

The purpose of the OTTAWA UNIVERSITY Copyright Compliance Policy is to provide a summary of U.S. Copyright Law as it relates to the use of copyright-protected works at Ottawa University, and to provide guidelines and procedures for obtaining copyright permission to use these works.

U.S. copyright law contains many gray areas, and the goal of this policy is to provide Ottawa University administrators, faculty, librarians, students, employees, and others with a standard approach for addressing complex copyright issues. This policy covers classroom, online, and distance education, including course-packs, library uses for print and electronic reserves, ILL, electronic resource, and document delivery.

### **WHAT IS COPYRIGHT?**

Copyright is an area of law that provides creators and distributors of creative works with an incentive to share their works by granting them the right to be compensated when others use those works in certain ways. Specific rights are granted to the creators of creative works in the U.S. Copyright Act, Title 17, U.S. Code. If you are not a copyright holder for a particular work, as determined by the law, you must ordinarily obtain copyright permission prior to reusing or reproducing that work.

### **WHAT IS PROTECTED BY COPYRIGHT?**

The rights granted by the Copyright Act are intended to benefit "authors" of "original works of authorship", including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations. This means that virtually any creative work that you may come across—including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials, and other printed materials; unpublished materials, such as analysts' and consultants' reports; and non-print materials, including electronic content, computer programs and other software, sound recordings, motion pictures, video files, sculptures, and other artistic works—is almost certainly protected by copyright. Among the exclusive rights granted to those "authors" are the rights to reproduce, distribute, publicly perform, and publicly display their works.

These rights provide copyright holders control over the use of their creations and an ability to benefit, monetarily and otherwise, from the use of their works. Copyright also protects the right to "make a derivative work," such as a movie from a book; the right to include a work in a collective work, such as publishing an article in a book or journal; and the rights of attribution and integrity for "authors" of certain works of visual art. Copyright law does not protect ideas, data or facts.

In the U.S., the general rule of copyright duration for a work created on or after January 1, 1978, is the author's life plus 70 years after the author's death. This is often referred to as "life-plus-70." Works created by

companies or other types of organizations generally have a copyright term of 95 years. For more information on copyright duration, visit the U.S. Copyright Office website at <http://www.copyright.gov/circs/circ1.html#hlc>.

## **FAIR USE**

A provision for fair use is found in the Copyright Act at Section 107. Under the fair use provision, a reproduction of someone else's copyright-protected work is likely to be considered fair if it is used for one of the following purposes: criticism, comment, news reporting, teaching, scholarship, and research. If the reproduction is for one of these purposes, a determination as to whether the reproduction is fair use must be made based upon four factors:

- The purpose and character of use (principally, whether for commercial or nonprofit educational use);
- The nature of the copyright-protected work;
- The amount and substantiality of the portion used; and
- The effect of the use being evaluated upon the potential market for or value of the copyright-protected work.

Fair use is an ambiguous concept and the law does not state exactly what uses of a copyrighted work will be considered fair uses under the law and may therefore be used without obtaining permission. As such, individuals who are not lawyers may often need to be interpreters of the law in everyday circumstances, and answers as to how much reproduction may be considered fair use often remain unclear. The bottom line is that fair use requires a very circumstance-specific analysis as to whether a particular use or reuse of a work may indeed be considered fair use.

To avoid confusion and minimize the risk of copyright infringement, Ottawa University interprets the following situations as fair use:

- Quotation of short passages in a scholarly or technical work for illustration or clarification of the author's observations.
- Reproduction of material for classroom use where the reproduction is unexpected and spontaneous – for example, where an article in the morning's paper is directly relevant to that day's class topic. This would generally cover one time use in only one semester or term.
- Use in a parody of short portions of the work itself.
- A summary of an address or article, which may include quotations of short passages of the copyright protected work.

If your use does not meet the above criteria and the work is protected by copyright, you probably need to obtain permission to use the work from the copyright holder or its agent.

## **PHOTOCOPYING OF COURSE MATERIALS**

One area in which such guidelines have been established relate to the photocopying of course materials. While the guidelines established by publishers and the academic community relating to the photocopying of course materials are not part of the federal Copyright Act, they are recognized by the Copyright Office and by judges as minimum "safe harbor" standard for fair use in education. The guidelines were also made a part of the Congressional Report for the Copyright Act.

According to the Copyright Act, following is always prohibited:

- Classroom copying cannot be used to replace workbooks, texts, standardized tests or other materials that were created for educational use (in other words, educators cannot usurp the profits of educational publishers through their copying)

- There can be no copying of works intended to be “consumed” in the course of study, such as workbooks, exercises, test booklets, answer sheets, and like consumable materials
- Copying cannot be used to create, replace, or substitute anthologies, compilations, or collective works
- Students cannot be charged more than the actual cost of the photocopying
- Copying cannot be repeated with respect to the same item by the same educator from term to term

Note that an educator must obtain permission to copy a work that he or she plans to use repeatedly semester to semester for the same course, regardless of whether the work meets the requirements set forth above.

## COPYING FOR COURSE USE AND LIBRARY RESERVE

### COURSE HANDOUTS

Based on Ottawa University’s fair use analysis, course handouts fall into two categories, those that require permission and those that do not. If the handout is a new work for which you could not reasonably be expected to obtain permission in a timely manner and the decision to use the work was spontaneous, you may use that work without obtaining permission. However, if the handout is planned in advance, repeated from term to term, or involves works that have existed long enough that one could reasonably be expected to obtain copyright permission in advance, then you must obtain copyright permission to use the work.

### MULTIPLE COPIES FOR COURSE USE

Multiple copies for course use must meet the following tests of brevity, spontaneity, and cumulative effect. Each copy must also include prominent notice that it is copyrighted material.

#### Brevity

**Prose:** Either (1) a complete article, story or essay of less than 2,500 words, or (2) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event an excerpt of up to 500 words.

**Poetry:** (1) A complete poem if less than 250 words and if printed on not more than two pages, or (2) an excerpt of not more than 250 words. Certain works in poetry or prose or in "poetic prose", which may combine language with illustrations and which fall short of 2,500 words, may not be reproduced in their entirety. However, an excerpt comprising not more than two of the published pages of such a work, and containing not more than 10% of the words found in the text, may be reproduced.

(Each of the numerical limits above may be expanded to permit the completion of an unfinished prose paragraph or line of a poem.)

**Illustration:** One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue.

#### Spontaneity

The copying is at the instance and inspiration of the individual instructor. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

#### Cumulative Effect

- The copied materials may only be used for one course in one term. That is the materials may be used only for one distinct course number at one time.
- Not more than one short poem, article, story, essay or two excerpts may be copied from the same author during one term.
- Not more than three short poems, articles, stories, essays or excerpts may be copied from the same collective work or periodical issue during one term.
- Not more than nine instances of multiple copying for one course during one term.

- The number of copies cannot exceed more than one copy per student in the course.

## **COURSE PACKS**

A course pack is a compilation of print or electronic materials (e.g. articles from journals, chapters from textbooks, and various other readings) that an educator assembles and requires for a particular course.

All articles, chapters and other individual works in any course pack require copyright permission. Copyright permission for course packs is usually granted on an academic term basis. Unless continuous use permission has been granted, you must obtain permission again to reuse a course pack in subsequent academic periods (e.g., semester, term, etc.). Many copyright holders provide time-sensitive permission because their own rights may be time-sensitive and could be transferred to different copyright holders at any time.

Prior to assembling a course pack copyright permission must be obtained for the works to be included. Deferring responsibility for copyright permission does not provide you protection against a claim of copyright infringement.

## **LIBRARY RESERVE**

- Photocopies of items placed on reserve must include the complete bibliographic information.
- Photocopies of items may be placed on reserve for one course, for one semester at a time without evidence of permission from the copyright owner under the ALA interpretation of the Fair Use provision of the Copyright code. Photocopies will be returned to the instructor at the end of the semester. The number of copies of each article, chapter, etc. must be reasonable in light of the number of students enrolled, the difficulty and the timing of the assignment. (In most cases only one copy will be allowed.)
- Use of the same photocopied material in multiple courses or subsequent semesters requires written permission from the copyright owner.
- Bound collections (anthology format) or course packs of photocopied items will not be accepted for reserve use.
- Only photocopies furnished by the instructor will be placed on reserve. Individual instructors must assure that copyright requirements are met.
- Photocopies received through interlibrary loans may not be placed on reserve.

### **Examples of copies which may be put on reserve**

- One chapter from a book.
- One article from a journal issue or newspaper.
- Multiple excerpts from a single book or journal issue if the total length of the submission is 10% or less of the total length of the book or journal issue.
- A short story, short essay, or short poem.
- A chart, diagram, drawing, graph, cartoon, or picture.

## **AUDIOVISUAL MATERIALS**

### **Video and Classroom Use**

Possession of a video does not confer the right to show the work. The copyright owner specifies, at the time of purchase or rental, the circumstances in which a video may be "performed". For example, videocassettes from

a video rental outlet usually bear a label that specifies "Home Use Only". However, whatever their labeling or licensing, use of these media is permitted in an educational institution so long as certain conditions are met. Section 110 (1) of the Copyright Act of 1976 specifies that the following is permitted:

Performance or display of a work by instructors or students in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images is given by means of a copy that was not lawfully made...and that the person responsible for the performance knew or had reason to believe was not lawfully made.

Additional text of the Copyright Act and portions of the House Report (94-1476) combine to provide the following, more detailed list of conditions:

- They must be shown as part of the instructional program.
- They must be shown by students, instructors, or guest instructors.
- They must be shown either in a classroom or other school location devoted to instruction such as a studio, workshop, library, gymnasium or auditorium if it is used for instruction.
- They must be shown either in a face-to-face setting or where students and teacher(s) are in the same building or general area.
- They must be shown only to students and instructors.
- They must be shown using a legitimate (that is, not illegally reproduced) copy with the copyright notice included.

Further, the relationship between the film or video and the course must be explicit. Films or videos, even in a "face-to-face" classroom setting, may not be used for entertainment or recreation, whatever the work's intellectual content.

### **Video use outside the classroom**

Besides use in classrooms, videos that are owned by the library may ordinarily be viewed by students, faculty or staff at workstations or in small-groups. These videos may also be viewed at home (e.g., in a dorm room), as long as no more than a few friends are involved. Larger audiences, such as groups that might assemble in a residence hall lounge, require explicit permission from the copyright owner for "public performance" rights, which may be obtained per video. No fees for viewing a video are permitted even when public performance rights are obtained.

### **Copying Videos, Off-Air Recording of Broadcasts**

Copying videos without the copyright owner's permission is illegal. An exception is made for libraries to replace a work that is lost or damaged if another copy cannot be obtained at a fair price, Section 108 of the Copyright Act of 1976.

Licenses may be obtained for copying and off-air recording. Absent a formal agreement, Guidelines for Off-the-Air Recording of Broadcast Programming for Educational Purposes, an official part of the Copyright Act's legislative history, applies to most off-air recording:

- The use must be in a classroom or similar place of instruction.
- The use must be in the course of face-to-face teaching activities or where students and teacher(s) are in the same building or general area.
- They must be shown only to students and educators.
- The video or film must be a legitimate (that is, not illegally reproduced) copy with the copyright notice included.
- The relationship between the film or video and the course must be explicit. Films or videos, even in a "face-to-face" classroom setting, may not be used for entertainment or recreation, whatever the work's intellectual content.
- Recordings may be kept for no more than 45 calendar days after the recording date, at which time the recording must be destroyed.

- Recordings may be shown to students only within the first 10 school days of the 45-day retention period.
- Off-air recordings must be made only by or at the request of an individual instructor for instructional purposes, not by staff in anticipation of later requests.
- The recordings are to be shown to students no more than two times during the 10-day period, and the second time only for necessary instructional reinforcement.
- Recordings may be viewed after the 10-day period only by instructors for evaluation purposes, that is, to determine whether to include the broadcast program in the curriculum in the future.
- If several instructors request recording of the same program, duplicate copies are permitted to meet the need; all copies are subject to the same restrictions as the original recording.
- The off-air recordings may not be physically or electronically altered or combined with others to form anthologies, but they need not necessarily be used or shown in their entirety.
- All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

Certain public broadcasting services (e.g., Public Broadcasting Service, Public Television Library, Great Plains National Instructional Television Library, and Agency for Instructional Television) impose similar restrictions but limit use to only the seven-day period following local broadcast.

## **SOUND RECORDINGS**

### **Non-Music Recordings**

Cassettes, MP3s, Podcasts and DVDs may not be copied unless replacement recordings from a commercial source cannot be obtained at a fair price. Recording brief excerpts is considered fair use. MP3 copies may be made of Kansas Virtual Library MP3 recording checkouts, for the length of time that checkouts are allowed, then these copies must be deleted from all devices and computers.

### **Music Recordings**

A single copy may be made for the purpose of constructing aural exercises or examinations. Otherwise, the restrictions on copying non-music recordings apply.

## **SLIDES, DISPLAY AND PHOTOGRAPH REPRODUCTION**

Whenever possible, Ottawa University will either purchase slides and photographs from authorized sources or will borrow from institutions which offer licensing for single-copy reproduction. In either case, further copying would be prohibited.

Occasionally, slides of copyrighted images that are needed for classroom purposes cannot be obtained ready-made in a timely fashion. If the process of slide-making would fail to meet Fair Use requirements, the requestor must demonstrate that the copyright owner has granted permission.

Copyright ownership of slides and photographs encompasses control over display as well as reproduction. However, Section 110 of the Copyright Act of 1976 addresses the display of copyrighted slides and photographs in educational settings by allowing "display of a work by instructors or pupils in the course of face-to-face teaching activities of a non-profit educational institution, in a classroom or similar place devoted to instruction" so long as the copy of the artwork was lawfully made. Furthermore, the purpose of the display must be integral to the course.

### **Copyright Notices**

A copyright notice must be affixed to every photocopy machine owned by Ottawa University. The photocopy notice should read as follows:

## **NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS**

The copyright law of the United States (title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. The photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

## **EDUCATIONAL MULTIMEDIA FAIR USE**

Copyright guidelines specify how much of copyright-protected sources may be included in multimedia products prepared by students or faculty members for course-related work. Use of larger portions requires permission from copyright owners. Creators of multimedia products may prepare a total of three copies, one of which is for preservation and replacement purposes only. One of the copies may be placed on Library Reserve. An exception is allowed for joint projects: each principal creator may retain a copy. Fair Use status expires two years after the first instructional use of a particular multimedia product.

### **Motion Media**

- Up to 10% or 3 minutes of a source, whichever is less.

### **Text**

- Up to 10% or 1000 words of a source, whichever is less. An entire poem of less than 250 words, but no more than 3 poems or excerpts by one poet. No more than 5 poems or excerpts from one anthology.

### **Music, Lyrics, Music Video**

- Up to 10% but not more than 30 seconds total from an individual work.

### **Illustrations, Photographs**

- No more than 5 images by one artist or photographer. No more than 10% or 15 images, whichever is less, from any single published work.

### **Numerical Data Sets**

- Up to 10% or 2500 fields or cell entries, whichever is less.

### **Internet Sources**

Though it can be difficult to determine what is copyright protected and what is in the public domain, the multimedia creator is responsible for adhering to copyright law.

#### **Integrity of Sources**

Any alterations of copyrighted items must be noted and is not permitted unless permission is granted by the author.

## **PHOTOCOPYING AT THE LIBRARY**

It is permissible to photocopy copyright-protected works in the library without obtaining permission from the copyright owner, under the following circumstances:

- Library user requests for articles and short excerpts. At the request of a library user or another library on behalf of a library user, the library may make one reproduction of an article from a periodical or a small part of any other work. The reproduction must become the property of the library user, and the library must have no reason to believe that the reproduction will be used for purposes other than

private study, scholarship and research. As recommended by Section 108 of the Copyright Act, the library must display the register's notice on or near the photocopiers in the library.

- Archival reproductions of unpublished works. Up to three reproductions of any unpublished work may be made for preservation or security or for deposit for research use in another library or archive. This may be a photocopy or digital reproduction. If it is a digital reproduction, the reproduction may not be made available to the public outside the library premises. Prior to receiving any of the three reproductions permitted under this provision from another library, the library must make a reasonable effort to purchase a new replacement at a fair price. The reproducing library must also own the work in its collection.
- Replacement of lost, damaged or obsolete copies. The library may make up to three reproductions, including digital reproductions, of a published work that is lost, stolen, damaged, deteriorating or stored in an obsolete format. Any digital reproductions must be kept within the confines of the library (that is, available on its computer but not placed on a public network.)
- Library user requests for entire works. One reproduction of an entire book or periodical may be made by the library at a library user's request, or by another library on behalf of a library user upon certain conditions being met. These conditions include the library determining after reasonable investigation that an authorized reproduction cannot be obtained at a reasonable price. Once made, the reproduction must become the property of the library user. The library must have no reason to believe that the reproduction will be used by the user for purposes other than private study, scholarship and research, and the library must display the register's notice at the place library users make their reproduction requests to the library.

## **PHOTOCOPYING FOR STUDENTS IN THE LIBRARY, THE COPY CENTER, OR OTHER UNIVERSITY OWNED COPIERS**

### **PHOTOCOPYING BY EMPLOYEES FOR OTHERS**

University employees may make reproductions for users (students, faculty, etc.), provided the following criteria are met:

- The employee makes one reproduction of an article from a periodical or a small part of any other work.
- The reproduction becomes the property of the user.
- The employee has no reason to believe that the reproduction will be used for purposes other than private study, scholarship and research.
- Copyright notices must be posted on all photocopiers in all university locations

### **PHOTOCOPYING BY STUDENTS**

Photocopying by students is subject to a fair use analysis as well. For example, a single photocopy of a portion of a copyright-protected work, such as a copy of an article from a journal made for research, may be made without permission. However, photocopying all of the assignments from a book recommended for purchase by the instructor, making multiple copies of articles or book chapters for distribution to classmates, or copying material from consumable workbooks, all require permission.

### **INTERLIBRARY LOANS (ILL)**

The library may participate in interlibrary loans without obtaining permission provided that the "aggregate quantities" of articles or items received by the library do not substitute for a periodical subscription or purchase of a work. The Myers Library follows the CONTU guidelines for defining "aggregate quantities" state that requesting and receiving more than five articles from a single periodical title (and from different issues)

published within five years prior to the date of request would be too many. (These guidelines apply to total library requests from a single title, not per patron).

If the articles or items being copied have been obtained through a digital license, the librarian must check the license to see under what terms and conditions, if any, interlibrary loan is permitted.

## **DISTANCE EDUCATION AND COURSE MANAGEMENT SYSTEMS**

In 2002, the Technology, Education and Copyright Harmonization (TEACH) Act became law and expanded the latitude universities, including Ottawa University, have for the performance and display of copyright-protected materials in a distance education environment, including through the use of Course Management Systems (CMS).

The copyright requirements for TEACH and CMS postings are similar to those of classroom handouts, but extend the traditional rules for those handouts to the digital transmission of materials to distance education students. If the use is spontaneous and will not be repeated, copyright permission is not required; however, the content may not remain posted for extended periods of time. If the use is planned, repeated or involves works that have existed long enough that one could reasonably expect to receive a response to a request for copyright permission, you must obtain copyright permission.

### **DISTANCE EDUCATION**

The Copyright Act also contains provisions allowing the use of certain copyrighted works in distance education settings, such as courses offered via internet or closed-circuit television. However, these provisions impose requirements that are much more rigorous than the requirements imposed in face-to-face classroom settings. In order for the transmission of a copyrighted work in a distance education setting to comply with the law, *all* of the following requirements must be met.

#### **Requirements that will likely fall within the duty of IT**

- The transmission of the copyrighted work must be limited to “students officially enrolled in the course for which the transmission is made” to the extent “technologically feasible”
- In the case of digital transmissions, the educational institution must apply technological measures to reasonably prevent the retention of the work in accessible form by the recipients for longer than the class session
- In the case of digital transmissions, the educational institution must apply technological measures to prevent unauthorized further dissemination of the work in accessible form
- In the case of digital transmissions, the educational institution must not engage in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent retention or unauthorized further dissemination

#### **Requirements that will likely fall within the duty of the Instructor**

1. The work being transmitted may be any of the following:
  - Performance of a non-dramatic literary work
  - Performance of a musical work
  - Performance of any work in “reasonable and limited portions”
  - Display of any work “in an amount comparable to that which is typically displayed in the course of a live classroom session”
2. The work being transmitted may not be any of the following:

- A work produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, or
  - A performance or display given by means of a copy not lawfully made and acquired under the Copyright Act and that the educational institution knew or had reason to know was not lawfully made and acquired
3. The performance or display must be made at the direction of or under the actual supervision of the educator
  4. The performance or display must be an integral part of a class session offered as a regular part of the systematic mediated instructional activities of the educational institution
  5. The performance or display must be directly related and of material assistance to the teaching content of the transmission
  6. A work may be converted from print or analog form to digital form (limited to the amount that may be performed or displayed as set forth above) only if:
    - No digital version of the work is available to the educational institution, or
    - The digital version of the work that is available has technological protection measures that prevent its availability for performance or display

## **COPYRIGHT AND FOREIGN WORKS**

The U.S. is a member of the leading international copyright treaty, the Berne Convention. As such, when Ottawa University uses a copyright-protected work from another country, the protections provided to works by U.S. copyright law automatically apply to the use of that work as well (assuming the use takes place in the U.S.). The Copyright Clearance Center has many reciprocal licenses to allow use of materials from other countries.

## **HOW TO OBTAIN COPYRIGHT PERMISSION**

Permission to use copyright-protected materials, when required, should be obtained prior to using those materials. It is best to obtain permission in writing (including e-mail) and keep a copy with you in case you need to show proof that you have obtained it. The time necessary to obtain permission may vary and, where possible, it is recommended to start the permissions procedure at least six months prior to the time that you wish to use the materials.

### **Fact Finding Questions**

Once you have identified the materials you want to use and determined that copyright permission is required, you must locate the copyright holder. If the copyright holder is not listed on the work, locating the appropriate person or entity to grant permission may take some investigative and creative work. The Copyright Office of the Library of Congress at [www.loc.gov](http://www.loc.gov) may be of assistance in locating a copyright owner if the work is registered. Note, however, that copyright is automatically granted to all works upon their being written down and that registration with the Copyright Office is not required.

## **OTTAWA UNIVERSITY TRADEMARKS**

The University has registered trademark protection of its marks, including the name "Ottawa University," official University logo and athletic logo. These marks are registered with the State of Kansas, as well as have been submitted for registration nationally. By obtaining those registrations, the University is protecting the use of our marks by other entities, as well as misuse of logos in all mediums.

### **What does that mean for Ottawa University?**

The use of the Ottawa University name, logo, athletic logo (arrowhead), and “OU” are all protected for use by internal and external constituents. This gives us a whole new level of protection on our name and top-use logos. We have already been able to issue cease and desist orders for violators on the World Wide Web, which increases name awareness for our offerings/materials rather than to competitors.

### **What does this mean for OU employees?**

If you (or one of your vendors) are creating/ordering any materials (promotional, give-away-items, resale, OU water, team apparel/equipment, student handouts, posters/flyers, syllabus, etc.) that use the Ottawa University logos or name or abbreviation, the artwork must be reviewed by University marketing prior to being created or distributed. This includes e-mail blasts, mass mailings, logos that have been used previously, etc. If you or your vendor are creating the material, please be sure to have an electronic proof emailed to us prior to production.

### **What logos have currently been trademarked?**

The logos that have been trademarked are the University logo (as appears on the University website) and the athletic logo that is the arrowhead with interlocking OU inside. Parts of these logos are also trademarked to include the separate pieces—Ottawa University name, University seal, “Live. Learn. Lead!,” “OU”, and the arrowhead (pointing either direction, while proper use is for the point to face left).

Use of these marks must be approved by the University Marketing Department prior to production of any materials containing them.

## **OTTAWA UNIVERSITY LICENSING PROGRAM**

The University began a licensing program agreement with Strategic Marketing Affiliates, based out of Indianapolis, Indiana, on July 1, 2009. The agreement includes the payment of royalties for production of materials with University marks. This agreement also establishes approved vendors for the production of various materials, where the vendor is responsible to hold insurance for the materials purchased. This ensures that University is not liable for product defects or incidents. In addition it enhances the University brand and imaging consistently. For more details regarding this agreement, please contact the University Marketing Department.

## **OTTAWA UNIVERSITY INSTRUCTIONAL WORKS**

*According to the OU employee handbook.*

The University shall own intellectual property rights in instructional works, except as provided in prior written agreements between the University and the persons who create those works. The creator(s) of instructional works shall exercise no rights in such and shall receive no proceeds resulting from the sale, assignment, licensing or use of such works, except as provided in prior written agreements between the University and the creator(s).

“Instructional works” are defined as works created at the direction of the University, under the direction of the University, for the University’s use, by a person acting within the scope of his or her employment and/or

subject to a written contract with the University. Instructional works are those developed for instruction of students and include materials such as course syllabi and modes and techniques of delivery of course content. They do not include materials such as textbooks protected by copyright.

**To obtain permission to use the work, you may contact the copyright holder directly. Once it has been established then contact would be made with the University Department or Copyright Person that has been designated.**

# Appendix A: SAMPLES OF OTTAWA UNIVERSITY COPYRIGHT PERMISSION FORMS

## Sample A: Written Work

Date:

To:

Address:

City, St. ZIP

Email address

To whom it may concern:

I am requesting permission to duplicate/use the following:

Title:

Copyright:

Author(s):

Material to be duplicated:

Manner of distribution:

Type of reproduction:

Specific purpose of use:

Name:

Address:

City, ST ZIP

FAX:

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Permission granted by:

Date:

Conditions, if any:

This form is adapted from a form created by Carol Mann Simpson. The original can be found in her book

“Copyright for Schools: a Practical Guide”, 2<sup>nd</sup> ed., Linworth Publishers. ISBN 0-938865-57-9.

**Sample B: Image/Graphic**

Date:

To:

Address/URL:

From:

Address/URL:

To whom it may concern:

I am requesting permission to use the following image(s) from:

\_\_\_\_\_ your web site

\_\_\_\_\_ CD /DVD

\_\_\_\_\_ publication

\_\_\_\_\_ other

The file name(s) and the location of the image/graphic(s) I wish to use is/are:

\_\_\_\_\_ .gif at \_\_\_\_\_

\_\_\_\_\_ .jpg at \_\_\_\_\_

From: source or publication: \_\_\_\_\_

Your graphic(s) will be used on (name/URL of site or publication)

\_\_\_\_\_

Located at \_\_\_\_\_

For the purposes of: \_\_\_\_\_

Please respond by accepting or declining below and include any conditions of use required by your organization:

Thank you,

Name and email address:

### Sample C: COPYRIGHT RESERVE REQUEST

U.S. Copyright Law provides copyright protection for any work by an author, including student papers and projects. The students own the copyright to their work and copying or use is prohibited without the author's permission.

Written permission from the student author, which must be obtained by the faculty member, is required before placing a copy of a student's work on reserve.

I, \_\_\_\_\_  
(print full name)

hereby give permission for my paper/project to be copied and placed on reserve (either paper or electronic).

\_\_\_\_\_  
(print permanent address: Street, City, State, Zip)

\_\_\_\_\_ (title of work)

This paper/project may be placed on reserve for \_\_\_\_\_ semesters.

Do you want your name to appear on the reserve copy? (check one) Yes \_\_\_\_\_ No \_\_\_\_\_

Signed: \_\_\_\_\_ (student)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_ (instructor)

Date: \_\_\_\_\_

**Note:** If paper/project has multiple authors, a permission form is required for each person.

**Sample D: Requesting permission to copy for class purposes.**

*Date:*

Publisher's address:

This is to request permission to photocopy, for class purposes, material to which we believe you hold or administer the copyright:

**Author and title:**

**Specific pages to be photocopied:**

**Number of copies to be made:**

**Semester(s)/term(s) and year(s) of use:**

The material will be identified on the first page of each copy by author and title of the book or article; the name of the series or journal and its editor, if applicable; the name of the publisher; and the complete copyright notice as it appears in your publication.

For your convenience, a permission form is appended below and a copy of this request is included for your files. If you are not the copyright holder, we will appreciate your giving us the name and address of the person to whom this request should be addressed.

Yours sincerely,

**Sample E: Sample Letter Requesting Permission**

Permissions Department Date: \_\_\_\_\_

Company Name -- Address -- City -- State -- ZIP

Dear Reader:

This letter is a request for permission to duplicate / use for the following:

Title: Copyright: Author(s):

Material to be duplicated: copy enclosed

Manner of distribution:

Type of reproduction:

Purpose of use/reproduction:

inclusion in ( specify ) A self-addressed, stamped envelope is enclosed for your convenience.

Please respond.

Sincerely,

Name:

School Name:

Address: City, ST ZIP

FAX: Phone:

Permission granted by Date / Conditions, if any: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Created by Carol Mann Simpson and included in her book *Copyright for Schools: a Practical Guide*, 2d ed. Linworth Publishers. ISBN 0-938865-57-9. Adapt it or use it with credit given to Carol Simpson.

**Sample E: Request for Authorization to Duplicate and / or Display Copyrighted Material**

Date:

To:

From:

We are requesting authorization to use the following copyrighted materials:

Title: \_\_\_\_\_

From: \_\_\_\_\_

Medium: \_\_\_\_\_

Use:

**Producer Reply:**

Permission: \_\_\_ Granted \_\_\_ Denied

Details / Restrictions:

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Sample F: Sample Letter Requesting Permission

1. Format:

Slide  Overhead  Video/film segment  Computer animation  Other (Please specify)

2. Year created: \_\_\_\_\_

3. Description (25 words or less):

4. Keyword descriptors (at least two): \_\_\_\_\_

5. Suggest course or area of study for which this image may be appropriate:

6. Contributor:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, state, zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

e-Mail: \_\_\_\_\_

7. I hereby agree to lend the above described material for use in the [name the program here ], with the understanding that due care will be taken, and the material will be returned in timely fashion. I acknowledge that the materials may be duplicated and distributed in any and all manner and media throughout the world in perpetuity. I further warrant and represent that I possess all rights to these materials and will indemnify and hold [name all the programs involved], their licensees and assigns, harmless from and against any and all claims, damages, liabilities, costs and expenses arising out of a breach of the foregoing warranty.

\_\_\_\_\_ date \_\_\_\_\_

Signature

Mail to:

Your Name

Business Name

Street

Town, State, Zip

## References

- Cornell University Law School. (2009). US Code. Title 17: Copyrights. Retrieved April 29, 2009 from [http://www4.law.cornell.edu/uscode/17/usc\\_sup\\_01\\_17.html](http://www4.law.cornell.edu/uscode/17/usc_sup_01_17.html)
- House Report 94-176. (1976). Classroom Guidelines: Agreement on guidelines for classroom copying in not for-profit educational institutions with respect to books and periodicals. Retrieved April 29, 2009 from <http://www.lib.umn.edu/copyright/classguide.phtml>
- United States Copyright Office. (2009). Copyright Basics. Retrieved April 29, 2009 from <http://www.copyright.gov/circs/circ1.pdf>
- United States Copyright Office. (2009). Circular 21. ***Guidelines for Off-the-Air Recording of Broadcast Programming for Educational Purposes***. Retrieved April 28, 2009 from <http://www.copyright.gov/circs/circ21.pdf>