

If I find it on the web, it's free to use, right?

Keeping you out of copyright trouble

The short answer is “no.”

What does copyright protect?

Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

Copyright at UC - basics

tldr

UC ANR Policy and Procedure Manual

Section 287, Copyrights

- Interprets UC copyright policy within the ANR environment
- Only 7 pages!
- Highlights:
 - Contact the copyright owner directly describing the material and planned use (see <http://copyright.universityofcalifornia.edu/use/obtaining-permission.html>).
 - Request the signature of the copyright owner on the request, verifying permission to exercise rights of the material.
 - If additional terms are requested or an alternative license form is provided, contact Permissions Officer for review and authorized signature.

UC ANR Policy and Procedure Manual

Section 287, Copyrights

- Public Domain
 - Even though material from original writings in the public domain can be used without permission, it is a courteous gesture to ask permission of the publisher or author before quoting extensively from such material and to send the author a copy of the relevant part of the subsequent publication with such quotations marked. In any case, credit should be given to the original source.
- “Fair Use”
 - “Fair Use” is an important concept for educators. The fair use exception is purposefully broad and flexible, which may make some members of the UC community uncomfortable relying on it. To provide some assistance, the University of California offers guidance for fair use in teaching and research.

Resources

Resources

- Check for a Creative Commons license
 - <https://creativecommons.org/licenses/>
- Copyrighted? Ask permission!
 - Include intended use, number of copies/students, for how long, printed or online
- UCOP WebDam
 - Replacing the Repository
 - <https://ucop.webdamdb.com/>

Resources

- Program-specific resources
 - e.g. National 4-H Council, USDA – ARS, CalFire, DWR – all have resources, many are free to use without formal permission
 - Listing of sources and guidelines (Thank you Lyn Brock!)
 - https://ucdavis.co1.qualtrics.com/jfe/form/SV_e36Jsveb5MSTaHc

Caveats

Caveats

- Don't think you won't be found out.
- Get your formal permission in writing—an email is OK.
- When using a resource that is not protected by copyright, and you can contact the creator, a courtesy notice is always in good form.
- Share this information with volunteers and monitor posts.

For more information

Policy manuals

- UC ANR Policy and Procedure Manual – Copyrights
<https://ucanr.edu/sites/anrstaff/files/82137.pdf>
- Copyright at UC
<https://copyright.universityofcalifornia.edu/>
Excellent FAQ section!

If I find it on the web, it's free to use, right?

Keeping you out of copyright trouble
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 **UNIVERSITY OF CALIFORNIA**
Agriculture and Natural Resources

Responsible Officer:	Permissions Officer
Responsible Office:	Office of the Permissions Officer
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**Note: For links to referenced documents see
Section VI, *Related Information* below.**

I. POLICY SUMMARY

- A.** This section of the Policy and Procedure Manual for the University of California (UC) Agriculture and Natural Resources (ANR) describes the local implementing procedures for UC Office of the President (UCOP) *Policy on Copyright Ownership* (link available in Section VI, *Related Information*, below). Nothing contained in these implementing procedures should be read or interpreted to contradict the UCOP. If any provision should be in conflict with the UCOP policy, the UCOP policy shall prevail.
- B.** The information provided below is general, but the circumstances associated with specific copyright matters may be unique. Please contact the Permissions Officer (contact information on page 1 above) regarding specific situations, questions, or concerns.

II. DEFINITIONS

Not used. Reference the UCOP *Policy on Copyright Ownership*.

III. POLICY TEXT

A. Use of Copyrighted Materials

1. The owner of copyrighted material has a property right therein; hence, copyrighted material will not knowingly be incorporated in publications or other works except with the written consent of the copyright owner.
2. Requests to use materials for teaching, research (including academic articles or publications) must be handled by the individual wishing to use them.
3. UC ANR funds may not be used to pay for editing, licensing, or other production costs when copyright will belong to the individual author rather than the Regents of the University of California.
4. When using materials for UC ANR activities, such as on/in an official website or publication:
 - a. Contact the copyright owner directly describing the material and planned use (see <http://copyright.universityofcalifornia.edu/use/obtaining-permission.html>).
 - b. Request the signature of the copyright owner on the request, verifying permission to exercise rights of the material.
 - c. If additional terms are requested or an alternative license form is provided, contact Permissions Officer for review and authorized signature.
5. If rights must be purchased, the following circumstances might apply:
 - a. Where the extent of the publication rights desired would make it inequitable to request a free license.

- b. When the copyright owner refuses to grant a free license and it is determined that the official use of the copyrighted material is essential or desirable.

The department may choose to pay required license fees. The Permissions Officer may assist with assessing the reasonableness of the fee.

B. Use of Non-Copyrighted Material for Publication

Even though material from original writings in the public domain can be used without permission, it is a courteous gesture to ask permission of the publisher or author before quoting extensively from such material and to send the author a copy of the relevant part of the subsequent publication with such quotations marked. In any case, credit should be given to the original source.

C. Use of Copyrighted Materials for Programs and Other Purposes

1. United States copyright law provides important exceptions to the rights of copyright holders that are specifically aimed at nonprofit educational institutions and libraries. Three provisions of the copyright statute are of particular importance to teachers and researchers:
 - a. Teachers and students have certain rights to publicly display and perform copyrighted works in the classroom (reference Section 110 of U.S. Copyright Law – see item VI, *Related Information* below for a link).
 - b. Libraries and archives have special exemptions for the reproduction of copyrighted works in some circumstances (Section 108 of US Copyright Law).
 - c. The "fair use" allows limited copying of copyrighted works without the permission of the owner for certain purposes, including teaching and research (Section 107 of US Copyright Law).
2. The fair use exception is purposefully broad and flexible, which may make some members of the UC community uncomfortable relying on it. To provide some assistance, the University of California offers the following guidance for fair use in teaching and research. The suggestions below do not ensure that your use will be protected under fair use, but represent practices commonly considered to be fair use.
 - a. Multiple copies for classroom use:
 - i. Multiple print or digital copies of articles, book chapters, or other works may be made for classroom use or discussion provided that:
 - There is a clear connection between the work being copied and the instructor's pedagogical purpose
 - The amount copied is tailored to include only what is appropriate for the instructor's specific educational goals
 - The access to works distributed online is provided only for the duration of the course for which they are provided, and limited to students

enrolled in a course and other appropriate individuals (e.g. teaching assistants for the course)

- Each copy includes full attribution in a form satisfactory to scholars in that field

b. Single copying for educational use

A single copy generally may be made of any of the following for educational purposes:

- i. A chapter from a book
- ii. An article from a periodical or newspaper
- iii. A short story, short essay or short poem, whether or not from a collective work
- iv. A chart, graph, diagram, cartoon, or picture from a book, periodical, or newspaper

3. Other considerations

Works intended to be "consumable" should not be copied; these include workbooks, exercises, standardized tests and test booklets, and answer sheets. Copying should not substitute for the purchase of books or periodicals.

D. Online and Distance Education

Congress passed a law, known as the TEACH Act, that permits the use of copyrighted works for online and distance education in limited circumstances. The requirements for compliance are somewhat complex, and the TEACH Act should be considered as one of several options available to instructors when using copyrighted works in their distance education courses. More information about the TEACH Act is available at <https://copyright.universityofcalifornia.edu/use/teach-act.html>

E. Copyright Policy On Material Prepared by UC ANR Personnel

1. In conformity with University of California copyright policy, it is the policy of UC ANR that copyrightable material in the form of books, pamphlets, leaflets, etc., architectural and engineering designs, or other works of comparable types developed by employees as a part of their assigned responsibilities shall be the property of The Regents of the University of California. Copyrightable material developed by employees whether in conjunction with or aside from their official employment responsibilities utilizing University funds or University equipment and facilities shall be the property of The Regents of the University of California. All such copyrightable material shall, at the University's option, be copyrighted in the name of The Regents of the University of California. UC ANR practice is to copyright all materials developed as part of its mission of extension, be they published or electronic.

2. It is the policy of UC ANR to provide the broadest possible dissemination of educational material, and thus, unless there are special circumstances, free materials will be published under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. The following notice should be placed on free materials:

© [YEAR] The Regents of the University of California. This work is licensed under the Creative Commons Attribution- NonCommercial-NoDerivatives 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

3. For other materials it is recommended to include a clear, standard copyright notice in a prominent location. A copyright notice must contain either the word "Copyright," or the symbol "©." Although not required, you can include both the word "Copyright" and the symbol. The word or symbol is followed by the year of first publication and then the name of the copyright owner.

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All Rights Reserved

4. Persons wishing to reproduce material from copyrighted publications not under the Creative Commons license should be referred to the UC ANR Permissions Officer (contact information appears on page 1 above or at Permissions@ucanr.edu). Authors do not hold the formal, written re-delegation of authority from the Vice President to issue copyright permissions.
5. Copyrightable material developed by UC ANR employees outside of the normal course of their University assignment and not a part of their normally expected work assignment may be copyrighted by the individual. Questions concerning copyrights should be forwarded to the Permissions Officer.

F. Copyrights On Web Applications and Software

1. It is UC ANR's policy that copyrightable applications, software, and data bases for any platform, developed by UC ANR personnel within the course and scope of their employment, utilizing University funds, staff, computer hardware, or other equipment and facilities, shall be the property of The Regents of the University of California, as will ownership of copyright to these applications, software, and data bases for any platform. At the option of the University, they shall be copyrighted in the name of "The Regents of the University of California" as works made for hire.
2. In keeping with this policy, all applications, software, and data bases for any platform prepared by UC ANR personnel shall be annotated at the start and the finish with "Copyright © [YEAR]The Regents of the University of California. All rights reserved." Should it be anticipated that the material will be of external or

commercial interest, copyright registrations shall be handled by the Information Technology unit.

IV. COMPLIANCE / RESPONSIBILITIES

- A.** For copyrighted works under their respective jurisdictions the Permissions Officer, in accordance with written re-delegated authority from the UC ANR Vice President is authorized to:
1. Identify UC ANR facilities or projects as having special copyright assignment obligations and issue guidelines and implementing procedures regarding assignment of copyright in works produced using such facilities or projects;
 2. Register copyrights, accept copyrights from third parties, and sell, assign, or grant licenses in the name of The Regents of the University of California for any rights to copyrights; and
 3. Release University ownership rights to copyrighted works which are in the name of The Regents of the University of California pursuant to Section III.D.

V. PROCEDURES

Not used.

VI. RELATED INFORMATION

- Reference www.copyright.gov for a comprehensive FAQ
- [Section 107 of US Copyright Law](#)
- [Section 108 of US Copyright Law](#)
- [Section 110 of U.S. Copyright Law](#)
- [UC Office of the President \(UCOP\) Policy on Copyright Ownership](#)
- [UCOP Policy on Copyright and Fair Use](#)
- [UCOP Copyright](#)
- [UCOP Copyright, Fair Use](#)
- [UC ANR Permissions](#)

VII. FREQUENTLY ASKED QUESTIONS

A. What is copyright?

Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works.

B. What does copyright protect?

Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

C. How is a copyright different from a patent or a trademark?

Copyright protects original works of authorship, while a patent protects inventions or discoveries. Ideas and discoveries are not protected by the copyright law, although the way in which they are expressed may be. A trademark protects words, phrases, symbols, or designs identifying the source of the goods or services of one party and distinguishing them from those of others.

D. When is my work protected?

Your work is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device.

E. Do I have to register my work with the copyright office to be protected?

No. In general, registration is voluntary. Copyright exists from the moment the work is created. You will have to register, however, if you wish to bring a lawsuit for infringement of a U.S. work. General UC ANR practice is to register only works of “high value.”

F. How do I copyright a name, title, slogan, or logo?

Copyright does not protect names, titles, slogans, or short phrases. In some cases, these things may be protected as trademarks. Trademarks are registered with the U.S. Patent and Trademark Office.

VIII. REVISION HISTORY

October 2017:

Format updated.

September 2020:

Content updated to reflect current practices and to improve clarity, Frequently Asked Questions added, links added and updated.