



**AUBURN UNIVERSITY  
AT MONTGOMERY**

## **POLICY GOVERNING THE USE OF COPYRIGHTED MATERIAL**

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Effective:	August 9, 2021
Prior Versions:	None
Responsible Office:	Office of the Provost
Review By:	August 2026

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### **I. PURPOSE**

Auburn University at Montgomery is committed to complying with the laws protecting the rights of copyright holders while recognizing that those rights permit the fair use of copyrighted materials. The employees and students of the university bear the responsibility to make informed decisions regarding the use of copyrighted materials and are obligated to comply with Federal Copyright law ([Title 17 U.S. Code](#)).

This policy applies to all employees and students of Auburn University at Montgomery and to all copyrighted material.

### **II. POLICY**

United States copyright law gives authors of original works a limited right to control how others use their works. In general, use of copyrighted work (reproduction, distribution and/or display) requires the written permission of the author unless:

- a. the work is in the public domain,
- b. copyright has expired and thus is in the public domain, or
- c. the use meets a statutory exception as defined by Title 17 of U.S. Code (e.g. Classroom Exceptions, TEACH Act, Fair Use, etc.).

### III. PROCEDURES

#### Use of Copyrighted Material:

##### Securing Permission for the Use of Copyrighted Materials

Outside of fair use, other applicable statutory exceptions, or a license agreement, anyone who wishes to use a copyrighted work as a part of the creation of scholarly, instructional, or work-related media must either obtain written permission from the copyright owner of such work or obtain an appropriate license that permits the desired use. Such licensed use may require a fee or a royalty. Authorization by the copyright holder for permission of use must be given in writing, and retained in the user's records.

##### Using Copyrighted Materials Under Statutory Exceptions

Copyright law permits limited use of copyrighted materials under certain circumstances. These circumstances can be found in the following sections:

- [Fair Use](http://www.copyright.gov/title17/92chap1.html#107)  
(<http://www.copyright.gov/title17/92chap1.html#107>)
- [Reproduction by libraries and archives](http://www.copyright.gov/title17/92chap1.html#108)  
(<http://www.copyright.gov/title17/92chap1.html#108>)
- [Effect of transfer of particular copy or phonorecord](http://www.copyright.gov/title17/92chap1.html#109)  
(<http://www.copyright.gov/title17/92chap1.html#109>)
- [Exemption of certain performances and displays](http://www.copyright.gov/title17/92chap1.html#110)  
(<http://www.copyright.gov/title17/92chap1.html#110>)
- [Secondary transmissions of broadcast programming by cable](http://www.copyright.gov/title17/92chap1.html#111)  
(<http://www.copyright.gov/title17/92chap1.html#111>)
- [Ephemeral recordings](http://www.copyright.gov/title17/92chap1.html#112)  
(<http://www.copyright.gov/title17/92chap1.html#112>)
- [Computer programs](http://www.copyright.gov/title17/92chap1.html#117)  
(<http://www.copyright.gov/title17/92chap1.html#117>)
- [Secondary transmissions of distant television programming by satellite](http://www.copyright.gov/title17/92chap1.html#119)  
(<http://www.copyright.gov/title17/92chap1.html#119>)
- [Reproduction for blind or other people with disabilities](http://www.copyright.gov/title17/92chap1.html#121)  
(<http://www.copyright.gov/title17/92chap1.html#121>)
- [Secondary transmissions of local television programming by satellite](http://www.copyright.gov/title17/92chap1.html#122)  
(<http://www.copyright.gov/title17/92chap1.html#122>)

Anyone who wishes to use copyrighted materials within the scope of these exceptions must be able to document their justification or rationale for meeting the terms of the exceptions.

##### Retention of Records.

The following policy statements are for the protection of Auburn University at

Montgomery employees and students in the event that their use of copyrighted materials is called into question.

- a. Persons who have received explicit permission to use copyrighted materials shall retain the record of these permissions in accordance with the University's record retention guidelines.
- b. Persons who are using copyrighted materials under one of the statutory exceptions shall retain a written justification for this use in accordance with the University's record retention guidelines.
- c. These records must be made available upon request.

If an item that contains copyrighted material becomes wholly or partly the property of Auburn University at Montgomery, then a copy of the permission to use or the justification for use of the copyrighted material must be stored with the Office of the Provost.

#### **IV. DEFINITIONS**

Relevant terms and concepts used in this policy and copyright law include the following:

**1. Exclusive Rights of the Copyright Owner (section 106, title 17, U.S. Code):**

- a. To reproduce the work;
- b. To prepare derivative works;
- c. To distribute copies or phonorecords of the work to the public by sale, rental, lease, or lending;
- d. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the work publicly;
- e. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- f. In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

**2. Fixed in Tangible Form (Section 102, title 17, U.S. Code):** Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

- a. literary works;
- b. musical works, including any accompanying words;
- c. dramatic works, including any accompanying music;
- d. pantomimes and choreographic works;

- e. pictorial, graphic, and sculptural works;
- f. sound recordings; and
- g. architectural works.

In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

**3. Substantial Commitment of Resources:** The term “substantial” does not include the ordinary use of Auburn University libraries, offices, departmental office equipment or Auburn University at Montgomery-owned personal computers. It does include the use of Auburn University personnel, equipment and/or facilities beyond the ordinary use described above. The specific definition of “substantial resources,” may vary on a case by case basis and should be determined in cooperation with the Office of Innovation Advancement and Commercialization (IAC) within the Office of the Vice President for Research before the work is published or otherwise distributed.

- 4. Work Made for Hire (Section 101, title 17, U.S. Code):** A "work made for hire" is:
- a. a work prepared by an employee within the scope of his or her employment; or
  - b. a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. For the purpose of the foregoing sentence, a “supplementary work” is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwords, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes, and an “instructional text” is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.

## **V. ENFORCEMENT**

Failure to abide by this policy may place the employee or student in legal jeopardy. In compliance with copyright law, unauthorized use of copyrighted materials in Auburn University at Montgomery websites or in any website stored on Auburn University at Montgomery servers is prohibited. Auburn University at Montgomery will fulfill all of its obligations to protect the rights of copyright owners under the relevant federal laws, which may include the removal of content suspected of infringement from University servers until the situation is resolved.