

**Office of
Environmental
Health and
Safety
Copyright
Procedures
Manual**



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Section I: Introduction

The Office of Environmental Health and Safety (OEHS) Copyright Procedures Manual will guide you in the use and creation of copyrighted materials. In general, copyright is a doctrine of federal law that invests the “author” of an original creative work with certain exclusive rights for a limited period of time, and subject to both defined and implied limitations. Copyright protection covers published and unpublished literary, scientific and artistic works, whatever the *form of expression*, provided such works are fixed in a tangible or material form. Copyright gives the author a “bundle” of rights:

- To reproduce work
- To publish/distribute work
- To adapt work/create derivative works
- To perform/display work
- To sell or assign copyrights to others

A short summary of different copyright situations is provided here, along with limited examples to assist with your compliance. Please remember that copyrighted material does not require display of a copyright notice, although this is generally a good practice.



Section II: Materials in Use

The use of copyright protected materials is only allowed with the permission of the original author of the material. Permission must be granted before use. However, borrowing *ideas* from other sources is allowed as long as they are properly cited. Care must be taken not to borrow too liberally.

Exception: Federal documents and publications

Most materials available on the internet are copyrighted and permission must be obtained for significant use of the work.

“Fair use” guidelines permit certain limited reproduction of copyrighted works for educational or research purposes without the permission of the copyright owner. But not all copying or reproductions by an educational institution qualifies as fair use. These four factors must be considered:

1. *The purpose and character of the use.* Is it for commercial use or for nonprofit educational purposes?

- Nonprofit educational purposes are more likely to be considered fair use.

To what extent has the original work been transformed by the new work? Examples of transformation include parody, criticism, and commentary.

- Transformed works are more likely to be considered fair use.

2. *The nature of the copyrighted work.* There must be a subjective evaluation of the worthiness of copyright protection for the original work. Example: fictional work vs. nonfictional work.

- Nonfictional work is more likely to be considered fair use.

3. *The amount and substantiality of the portion used,* relative to the copyrighted work as a whole.

- Use of minimal portion of the copyrighted work is more likely to be considered fair use.

4. *The effect of the use on the potential market for or value of the copyrighted work.*

- If the use of the copyrighted work does not impact its value on the market, it is more likely to be considered fair use.



“Classroom Guidelines” must meet at least one of these criteria:

1. A single copy for faculty use in scholarly research or teaching of:
 - A chapter from a book.
 - An article from a periodical or newspaper.
 - A short story, short essay, or short poem.
 - A chart, graph, diagram, drawing, cartoon, or picture.
2. Multiple copies for classroom use of materials that meet the following restrictions:
 - Brevity.
 - Spontaneity – teacher may not reuse the same excerpted material in subsequent courses or terms without seeking permission.
 - Cumulative effect: one article or two excerpts per author, three excerpts per periodical volume or other collective work, in one offering of one course.



Section III: Requested Materials

Permission may be granted for the use of copyrighted material via written communication, including email. When seeking or granting permission, the following should be specified:

1. The type of attribution display. Examples:

- Copyright 2009. Office of Environmental Health & Safety. University of New Hampshire. All Rights Reserved.
- © 2009. Office of Environmental Health & Safety. University of New Hampshire. All Rights Reserved.
- Copyright 2009. University of New Hampshire. All Rights Reserved.

2. The intended use of the copyrighted material. Examples:

- Classroom use.
- Training presentation.
- Seminar.
- Web display.
- Single copy
- Multiple copies

3. The length of use of the copyrighted material. Examples:

- A one time use.
- One semester use.
- Until further notice.

The time limit for use should reflect standard practices in your field. If the original document changes, a new license should be executed to reflect the actual document in question.

The copyright display should reflect the most recent status of the document. The copyright notice should be updated when the document is revised.

It is recommended that one should maintain a record of copyright permissions that have been granted, whether UNH is the originator of the material, or is seeking permission for the use of others' materials.



Section IV: Employee Materials

All materials created by a University of New Hampshire employee, including OEHS employees, in the scope of their responsibilities and duties belong to UNH per the IP Policy.

- OEHS can grant permission for use of materials created solely by OEHS department members.
- Permission for extensive use of copyrighted materials which belong to UNH must be granted by contacting the appropriate individual(s).
- “If an employee discovered, created, or developed Intellectual Property while conducting duties, responsibilities, and/or assignments for which the individual was employed by the university, that Intellectual Property belongs to UNH.”
- “The University waives its ownership in the interest of the author for Exempted Scholarly Works. Examples of Copyrightable Work considered Exempted Scholarly Works include the following :”
 - Traditional publications in academia regardless of their medium of expression, such as textbooks, course material, case studies, peer-reviewed manuscripts, syllabi, tests, study-guides, glossaries;
 - Academic software (not for commercial use);
 - Electronic publications such as web sites, course descriptions/notes published electronically;
 - Photographs, films, charts, transparencies, video and audio tapes.



Section V: IP Participation Agreement

“All University faculty (including but not limited to tenured, tenure-track, research, clinical, adjunct, and emeriti faculty); visiting faculty or other visitors using research facilities; postdoctoral employees or fellows; graduate students and undergraduate students participating in sponsored research as employees or otherwise; and all salaried employees shall execute an Intellectual Property Participation Agreement (Form B) as a condition of employment, participation in sponsored research, or Use of University Resources (UNH.VIII.D.14).”

”Notwithstanding the above, an individual acknowledges that he or she is bound by the University Intellectual Property Policy by accepting or continuing University employment or by using University resources or facilities (UNH.VIII.D.14).”



Section VI: Multimedia Statements

Any multimedia statements that are cited must include the name of the presenter/creator, title of the presentation, meeting type/organization, location, and date.

Permission to use a multimedia presentation must be given by the original presenter/creator before use.



Section VII: Additional Resources

1. University of New Hampshire General Counsel's Office Frequently Asked Questions About Copyright in Higher Education:

<http://www.usnh.edu/fac/offices/GCO%20Copyright%20in%20Higher%20Ed%20FAQ.pdf>

2. University of New Hampshire Primer on Copyright Law:

www.library.unh.edu/loan/loan/reserves_edit/pdfforms/UNH%20Copyright%20Primer.pdf

3. University of New Hampshire Library Copyright Policies and Regulations:

<http://www.library.unh.edu/about/polreg/copyright.shtml>

4. University of New Hampshire Intellectual Property Policy:

<http://usnholpm.unh.edu/UNH/VIII.Res/D.htm>

4. University of New Hampshire Library: Author Rights and Copyright:

<http://libraryguides.unh.edu/content.php?pid=39972&sid=293437>

5. University of New Hampshire policy on the Digital Millennium Copyright Act (DMCA):

<http://www.unh.edu/cis/dmca/>

6. University of California: example of copyright permission correspondence:

<http://www.universityofcalifornia.edu/copyright/pgrcmtra2.html>

7. United States Copyright Office: <http://www.copyright.gov/>

8. The Copyright Website: <http://www.benedict.com/>

9. Copyright Myths: <http://www.templetons.com/brad//copymyths.html>