

**MEDICAL UNIVERSITY OF SOUTH CAROLINA
OFFICE OF ACADEMIC AFFAIRS AND PROVOST
POLICY MEMORANDUM**

		MEMORANDUM ID:	AA-2008-02-EDUCATION
TITLE:	MUSC COPYRIGHT POLICY		
ORIGINATOR:	UNIVERSITY EDUCATION INFRASTRUCTURE COMMITTEE	DATE:	9/14/2007
REVIEWED/APPROVED:	DATE:	SIGNATURES:	
DEANS' COUNCIL	JANUARY 21, 2008		
PRESIDENT'S COUNCIL	JANUARY 30, 2008		
IMPLEMENTATION:	IMMEDIATELY UPON APPROVAL	DATE:	JANUARY 30, 2008
DISTRIBUTION:	MUSC FACULTY AND STUDENT HANDBOOKS		

I. Rationale

The use of intellectual property, such as materials protected by copyright, is affected by the ownership rights in those materials. In our educational environment and as members of the MUSC community, we recognize the value of those rights and restrictions on the use of copyrighted material as expressed in the copyright laws of the United States. Because of advances in technology and the ease of copying, transmitting, distributing, adapting, displaying, or performing copyrighted works, individuals should be aware of the copyright implications of using a wide range of materials. Copyright violations related to printed materials, materials in digital format, audio and video recordings, music, Internet transmissions, computer programs and databases, or any other types of materials create potential legal liability for the University and individual users.

II. Policy/Principles

All members of the MUSC community—faculty, staff, students, volunteers, and patrons—are expected to make a good faith effort to respect the rights of copyright owners. To support MUSC's mission to create, discover, and disseminate knowledge and to further MUSC's primary purposes of teaching and research, MUSC supports the responsible, good faith exercise of the following principles:

1. Most materials (regardless of form, format, or copyright notice) are protected by copyright. The user should assume a work is copyrighted regardless of whether the work has a copyright notice unless it is determined that the particular work is not protected.
2. A good faith attempt to secure permission from the copyright owner is required before copying, transmitting, distributing, adapting, displaying, or performing copyrighted works.

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3. Permission from the copyright owner might not be needed if the use falls within certain exceptions. For example:

- Some uses may be permitted under the “fair use” doctrine (codified in 17 U.S.C. §107) in certain circumstances and for specific purposes if the weighing of several factors favors a reasoned conclusion for fair use. These factors include:
 - (i) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
 - (ii) the nature of the copyrighted work;
 - (iii) the amount and substantiality of the portion taken in relation to the copyrighted material as a whole; and
 - (iv) the effect of the use upon the potential market for or value of the copyrighted material.
- Educators and students may perform or display (not copy) a copyrighted work in the course of face-to-face and distance-education teaching at a nonprofit educational institution in a classroom or other place normally devoted to instruction (codified in 17 U.S.C. §110).
- Certain library reproduction rights (codified in 17 U.S.C. §108).

Members of the MUSC community who disregard this Copyright Policy may violate state statute and University policies as stated in the Medical University Faculty Handbook, which is made a part hereof by reference.

III. Copyright Resources

For assistance with copyright matters, faculty and students are encouraged to consult with the MUSC Library staff or the University General Counsel. Questions regarding general intellectual property ownership may be referred to the MUSC Foundation for Research Development.

IV. Access

The Copyright Policy will be available from the Office of the Provost and Vice President for Academic Affairs and Provost. It will be distributed digitally and by hardcopy to all units reporting to the Provost, and be maintained on the Provost website www.musc.edu/academic. The policy will also appear in the Medical University Bulletin (on the Medical University website) and the MUSC Faculty and Student Handbooks. The Vice President for Academic Affairs and Provost will be responsible for monitoring and maintaining the policy. The policy will be reviewed for revision as needed. This memorandum is a public document and has no restriction for distribution.