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## **I. POLICY SUMMARY**

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## **II. DEFINITIONS**

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## **III. POLICY TEXT**

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### **A. Use Of Copyrighted Materials For Publication**

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.

The following checklist should be observed in requesting free license to use copyrighted material:

1. The request will be for no greater right than actually needed.
2. The request will fully identify the material for which permission to publish is granted.
3. The request for license will explain the proposed use and explain the credit to be given so that the licensor need only give consent.
4. The request must be submitted in duplicate to the copyright owner, who may retain one copy and return the other copy with the consent written on it.
5. A self-addressed return envelope should be used.
6. If copyrights 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.

### **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**

The following guidelines were developed in connection with the new Federal copyright law, which became effective January 1, 1978. While these guidelines

were developed for the normal classroom situation, they are applicable to and are to be followed by Cooperative Extension appointees whenever they are using copyrighted material for use in educational presentations.

### 1. Single Copying

A single copy may be made of any of the following for research or for use in instructional programs:

- a. A chapter of a book.
- b. An article from a periodical or newspaper.
- c. A short story, short essay, or short poem, whether or not from a collective work.
- d. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

### 2. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per participant in a program) may be made for the Cooperative Extension staff member giving the educational presentation, provided that

- a. The copying meets the tests of brevity and spontaneity as defined below,
- b. Meets the cumulative effect test as defined below, and
- c. Each copy includes a notice of copyright.
- d. Definitions:
  - i. Brevity
    - a. Prose: Either a complete article, story, or essay of less than 2,500 words or an excerpt from any prose work of not more than 1,000 words, but in any event a minimum of 500 words. (This limit may be expanded to permit the completion of an unfinished paragraph.)
    - b. Poetry: A complete poem with less than 250 words and, if printed on not more than two pages or from a longer poem, an excerpt of not more than 250 words. (This limit may be expanded to permit the completion of an unfinished line of a poem.)
    - c. Illustration: One chart, graph diagram, drawing, cartoon, or picture per book or per periodical issue.
    - d. "Special" Works: Certain works in poetry, prose, or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience, fall short of 2,500 words in their entirety.

Paragraph 1) above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special works and containing not more than 10 percent of the words found in the text thereof, may be reproduced.

ii. Spontaneity

- a. The copying is at the instance and inspiration of the individual teacher or academic appointee,
- b. 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.

iii. Cumulative Effect

- a. The copying of the material is for only one course (program) in the school in which the copies are made.
- b. Not more than one short poem, article, story, or essay, or two excerpts may be copied from the same author, not more than three from the same collective work or periodical volume during one class term.
- c. There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in 2) and 3) above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

3. Prohibitions as to A) and B) above

Notwithstanding any of the above, the following shall be prohibited:

- a. Copy shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- b. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets, answer sheets, and like consumable material.
- c. Copying shall not
  - i. Substitute for the purchase of books, publisher's reprints, or

- periodicals,
  - ii. Be directed by higher authority, or
  - iii. Be repeated with respect to the same item by the same teacher from term to term.
- d. No charge shall be made to the student beyond the actual cost of the photocopying.

#### **D. Copyright Policy On Material Prepared By Staff**

In conformity with University of California copyright policy, it is the policy of the Division 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 Division-assigned responsibilities shall be the property of the University. Copyrightable material developed by employees whether in conjunction with or aside from their official employment responsibilities utilizing University funds or University equipment and facilities of the Learning Resources, Media, and Computer Centers, or other University production facilities shall be the property of the University. All such copyrightable material shall, at the University's option, be copyrighted in the name of The Regents of the University of California. Division practice is to copyright all sales publications.

It is the policy of Cooperative Extension to provide the broadest possible dissemination of educational material, and thus, unless there are special circumstances, free materials will be published without copyright. Cooperative Extension non-copyrighted publications are considered public property and should be made available to the public for reproduction without restriction. Persons wishing to reproduce leaflets and other non-copyrighted publications should be encouraged to do so with the request that Cooperative Extension be given appropriate credit. Persons wishing to reproduce material from copyrighted publications should be referred to the Manager of Agriculture and Natural Resources Publications. Copyrightable material developed by employees of the Division 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 Assistant Vice President--Administration.

#### **E. Copyrights On Computer Programs**

It is the policy of the Division of Agriculture and Natural Resources that copyrightable computer programs, data bases, and software packages developed by Division staff 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 University, as will ownership of copyright to these computer programs, data bases, and software packages. 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.

In keeping with this policy, all computer programs, data bases, and software packages prepared by the staff of the Division shall be annotated at the start and the finish with "Copyright The Regents of the University of California, (year)." Should it be anticipated that the material will be of external or commercial interest, copyright registrations shall be handled by the Program Computer Support unit.

Technical information and assistance regarding copyright matters on computer material can be obtained from the offices of the Director--Patent, Trademark and Copyright, University of California, Office of the President, (415) 748-6600.

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#### **IV. COMPLIANCE / RESPONSIBILITIES**

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#### **V. PROCEDURES**

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#### **VI. RELATED INFORMATION**

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- University Copyright Policy - August 1, 1975.
- University of California Policy on the Reproduction of Copyrighted Materials for Teaching and Research - April 1986.
- Guidelines for the Reproduction of Copyrighted Materials for Teaching and Research - April 1986.

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#### **VII. FREQUENTLY ASKED QUESTIONS**

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#### **VIII. REVISION HISTORY**

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**October 2017:**

Format updated.