

Office/Contact: Office of the Provost

Source: 17 U.S.C.; SDBOR Policies 4.9.1 and 4.8.1; University Policies 2:4, 3:1, 7:3 and 9:2; SDSU Copyright Guidelines

Link: <https://www.copyright.gov/title17/>; <https://public.powerdms.com/SDRegents/documents/1726707>; <https://public.powerdms.com/SDRegents/documents/1726703>; <https://www.sdstate.edu/policies-and-procedures>; [SDSU Copyright Guidelines](#)

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SUBJECT: Copyright Policy

NUMBER: 9:4

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### 1. Purpose

This policy and its procedures apply to copyrighted materials to be interpreted consistent with the provisions of SDBOR Policies, including SDBOR Policy 4.9.1, University policies, and all applicable laws.

### 2. Definitions

- a. Copyright: A legal concept that assigns ownership to original works of authorship fixed in a tangible medium of expression and set forth by Title 17 of the U.S. Code.
- b. Employee: For purposes of this policy, employees include full and part-time classified staff,

d.

Research or Faculty Directed Research, as defined by SDBOR Policy 4.9.1.

- c. The University Office of Technology Transfer and Commercialization, or successor unit, shall work with University employees regarding intellectual property developed by University employees pursuant to SDBOR Policy 4.9.1 and University Policy 9:2.
- d. Use of copyrighted materials
  - i. Employees and agents of the University are expected to abide by copyright law as set forth by Title 17, U.S. Code and its applicable regulations in the fulfillment of their duties for the University.
  - ii. University employees, students and other individuals are responsible for compliance with University Policy 7:3, Digital Millennium Copyright Act.
  - iii. University employees and students are further responsible for copyright clearance, the process for which is as follows:
    - 1. Conducting a fair use analysis, which includes consideration of the purpose and character of the use, the nature of the copyrighted work, the amounts or portions of the copyrighted work used, and the 3 ( )104 0 0 11.04 198 482.28 7

- h. In addition to legal sanctions, University employees who violate this policy may be subject to disciplinary action in accordance with the policies applicable to the individual's employment status at the University.

4. Procedures

- a. All University employees whose duties involve the use of University resources to research or to develop properties that may be subject to copyright protection will enter into an agreement at the time of hire, assigning to the SDBOR all right 6.2934 Tm4}2.6(ag)12.2 (ag)12.2 (ag)12.2