



THE GEORGE  
WASHINGTON  
UNIVERSITY  
WASHINGTON DC

**Responsible University Official:**  
Vice President and General Counsel  
**Responsible Office:** Office of the  
Vice President and General Counsel  
**Origination Date:** Not Available

## USE AND REPRODUCTION OF COPYRIGHTED MATERIALS

### Policy Statement

It is the policy of the University to comply with federal copyright laws. The University strictly prohibits the use of copyrighted material other than in compliance with the law.

### Reason for Policy/Purpose

To educate potential users of copyrighted materials on federal copyright laws and the potential repercussions if a violation, such as infringement, should occur. If a copyright infringement action is brought, not only will the University face possible liability, but the individual making or requesting the copies may be found personally liable.

### Who Needs to Know This Policy

Faculty, staff and students

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## **Policy/Procedures**

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It is vital that all members of the University community have some general understanding of which copying is and is not permitted under Federal copyright laws. What follows is an attempt to outline the most relevant legal provisions. More specific questions should be directed to the Office of the Vice President and General Counsel.

**Copyrights:** Copyright protection is available for original works of authorship which are fixed in a tangible medium of expression. This protection covers such varied works as literature, drama, pictures, sculptures, music, and audio and video materials. It also covers reference works (including dictionaries), computer programs, computer graphics, and databases. Copyright protection applies to both published and unpublished works, as well as to works that are out of print.

Copyright protection begins when the work is created. The work need not be registered with the Copyright Office in order for the creator's consent to be required prior to use. Absence of a copyright notice does not mean that the materials may be copied without permission.

**Fair Use:** The Fair Use doctrine is a limited exception created by law so that copies may be made for certain non-profit, educational and other purposes without the copyright owner's permission. Certain guidelines have been established to implement educational fair use. While these guidelines do not have the force of law, they are widely-accepted minimum standards of educational fair use and so should be considered before copies of copyright protected materials are made without permission. If the following prohibitions and guidelines are satisfied, one copy per student in a course may be made. If they are not met, the Office of General Counsel should be consulted before copies are made.

### **Guidelines:**

1. Copies should not be used to create, replace, or substitute for anthologies, compilations, or collective works, whether or not such copies are to be bound together or provided separately.
2. Copies should not be made of "consumable" works intended to be utilized and discarded, such as workbooks, exercises, standardized tests, test booklets, answer sheets, etc.
3. Copies should not substitute for the purchase of books, publisher's reprints, or periodicals.
4. The same professor should not copy the same item without permission from semester to semester.
5. No charge should be made to students beyond the actual cost of the photocopying.

## USE AND REPRODUCTION OF COPYRIGHTED MATERIALS

If none of the above-mentioned limitations are violated, copying may be permitted if all of the following guidelines are satisfied:

1. Copies may be made when an individual teacher is "inspired" to use a work. The inspiration to use it, and the moment of its use for maximum teaching effectiveness must be so close in time that it would be unreasonable to expect a timely reply to a request for permission, AND
2. The amount of the copying is limited as follows:
  - I. if a complete prose work is used, it is under 2,500 words (except that certain short, illustrated "special works," such as children's books, only may be excerpted, and the amount copied should not exceed 10% of the words in the work);
  - II. if a prose work is excerpted and copied, the amount copied represents the shorter of 10% of the work or 1,000 words (except that for works of less than 5,000 words, up to 500 words may be excerpted and copied);
  - III. if a chart, graph, diagram, drawing, cartoon, or picture is copied, no more than one such illustration is copied per book or per periodical issue;
  - IV. if a poem is copied, the poem or the excerpt is less than 250 words and is printed on no more than two pages, AND
3. The copying is for a single course only, AND
4. From works by a single author, no more than one short poem, article, story, or essay or two excerpts may be copied. In addition, no more than three works or excerpts may be copied from the same collective work or periodical volume during one semester, and no more than nine instances of such copying may occur for one course during one semester. (This limitation does not apply to current news periodicals, newspapers and current news sections of other periodicals), AND
5. If there is an original copyright notice on the work, it must appear on all copies.

Fair use also may permit you to make single copies for purposes of your own scholarly research or class preparation. Specifically, subject to the prohibitions above, you may make a single copy of a chapter from a book, an article from a periodical or newspaper, a short story, short essay or short poem, or a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper for these purposes.

Somewhat different prohibitions and guidelines apply to educational use of music. If you copy or perform music as part of your teaching or research, you may direct questions

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concerning these prohibitions and guidelines to the Office of Vice President and General Counsel by calling 202-994-6503, or via email at [gwlegal@gwu.edu](mailto:gwlegal@gwu.edu).

**Obtaining Permission to Copy:** If the above prohibitions and guidelines cannot be met, permission of the copyright owner may be required before any copies of the materials are made. Note that there may be a fee for use of the material.

Permission may be obtained by writing to the owner of the copyright or publisher. The Marvin Center Bookstore can also provide copyright clearances.

To allow time for processing, request for permission to copy materials should be made well in advance of the time the materials are needed.

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### Website Addresses for This Policy

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[GW University Policies](#)

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### Contacts

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<b>Subject</b>	<b>Contact</b>	<b>Phone</b>	<b>E-Mail</b>
Questions	Office of the Vice President and General Counsel	(202) 994-6503	<a href="mailto:gwlegal@gwu.edu">gwlegal@gwu.edu</a>
Clearances	Marvin Center Bookstore	(202) 994-6870	<a href="mailto:gwu@bkstr.com">gwu@bkstr.com</a>

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### Definitions

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**Copyrights** Copyright protection is available for original works of authorship which are fixed in a tangible medium of expression. Copyright can cover varied works including literature, audio, video, reference works, computer material, and published and unpublished work.

**Fair Use** The Fair Use doctrine is a limited exception created by law so that copies may be made for certain non-profit, educational and other purposes without the copyright owner's permission.

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### Related Information

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Further information and resources regarding copyrights, licensing groups, and clearing houses is available on the University of Texas website, located at: <http://www.utsystem.edu/ogc/IntellectualProperty/index.htm>.

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## **Who Approved This Policy**

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Beth Nolan, Vice President and General Counsel

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## **History/Revision Dates**

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**Origination Date:** Not Available

**Last Amended Date:** April 28, 2005

**Next Review Date:** May 31, 2010