

University of Missouri – Kansas City
Copyright Guidelines and Procedures

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UMKC has resources for determining copyright compliance, the most important of which can be found at <http://libguides.library.umkc.edu/content.php?pid=31006&sid=226509>

Not all educational use is “fair use.” You can use small portions of a copyrighted work to comment and illustrate a point, report news, do research or scholarship, criticism, or parody.

There is a Copyright Support Team consisting of:

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as well as Copyright advocates in the Conservatory who have received training on copyright issues and can direct you to many resources. The current copyright advocates can be found at <http://libguides.library.umkc.edu/content.php?pid=31006&sid=451288>

Here is general information to help you get started when you are trying to determine what copyright protections apply to a piece of music or scholarship you wish to use:

First ask if the work is in the public domain. In the United States, works created prior to 1923 are in the public domain.

Then, if the work is copyrighted you need to follow these paths:

1. Is the work licensed by the University in which case the copyright is covered for you?
 - Check the University Libraries' collection of databases and electronic resources.
 - Check to see if the copyrighted resources you wish to use are licensed by your department.
 - If licensed and your use is permitted by that license, proceed as the license permits.
2. If the work is not in the public domain or licensed for use, is there a legal exemption to copyright law that would allow you to use the work? Examples:
 - Section 110 (1) covering classroom performance and display
 - The TEACH Act (Section 110(2)) covering digital transmissions for performance and display
 - The DMCA exemptions can be found at <http://www.copyright.gov/1201/>
3. Check and see if the work falls under Fair Use. These rules for Fair Use are in Section 107 of the Copyright code (<http://www.copyright.gov/fls/fl102.html>) which contains a list of the various purposes for which the reproduction of a particular work may be considered "fair," such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:
 - the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
 - the nature of the copyrighted work; (fiction/creative or nonfiction/factual)
 - amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 - the effect of the use upon the potential market for or value of the copyrighted work.
 - If none of the above allows you to use a copyrighted work, then you can seek permission which may involve paying royalties.

Adapted from *Kevin Smith, Fair Use of Movies & Music: Managing Copyright in Higher Ed, 2010* and work by Chris Le Beau