

Copyright – Frequently Asked Questions

Disclaimer

The purpose of the information contained herein is to provide an overview of some of the basic requirements of copyright law and to respond to questions that are commonly asked by faculty, staff, and students at the University of Florida. While the University makes every effort to ensure the accuracy of this information, it is not offered as counsel or legal advice. Readers should consult the Office of the Vice President and General Counsel or their own attorney, as appropriate, for advice concerning specific situations.

The Basics of Copyright

What is Copyright?

Copyright laws protect published and non-published original works of authorship that have been fixed in a tangible medium. Examples of the types of original works that may be protected by copyright laws include, but are not limited to, the following:

- Poetry;
- Prose;
- Musical Compositions;
- Computer Programs;
- Web-Pages;
- Photographs;
- Songs; and
- Video Footage.

What are the rights of the owner of a copyright?

Copyright owners have the following [Exclusive Rights](#) in the copyrighted work for a limited period of time:

- right to reproduce the work;
- right to distribute the work;
- right to sell the work;
- right to perform the work;
- right to publicly display the work;
- right to prepare works derivative of the work; and
- right to give others permission to use the work in the ways described above.

How does a copyright differ from a patent?

- A patent is a property right that is granted by the [United States Patent and Trademark Office](#) (USPTO) to the creator of an invention. A patent protects an invention by giving the owner of the patent the right to prevent others from making, using, offering for sale, selling or importing the invention. By contrast, a copyright protects the means of expression, not the underlying idea. The primary difference between a patent and a copyright is the patent protects the patent-holder's ideas by preventing others from using the actual invention or other inventions based upon the patent-holders ideas. In contrast, a copyright gives the owner of the copyright rights regarding that particular means of expression. Other means of expression, even if based upon the same ideas, are not necessarily a violation of another individual's copyright.
- In general, the owner of a patent has the right to prevent others from using the patented information for a specific term. Three types of patents are issued in the United States by the USPTO:
 - Utility patents - granted for inventions or discoveries of any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof;
 - Design patents - granted to anyone who invents a new, original, and ornamental design for an article of manufacture; and
 - Plant patents - granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.
- Click for more information about [Patents](#).

How does a copyright differ from a trademark?

- According to the USPTO, a trademark is a word, name, symbol or device that is used in commerce with goods to indicate the source of the goods and to distinguish them from the goods of others. Similarly, a servicemark identifies and distinguishes the source of a service rather than a product. An example of a trademark is the “swoosh” symbol associated with Nike products. An example of a servicemark is the symbol used by the Holiday Inn hotel chain. The owner of a trademark or servicemark has the right to prevent others from using a similar mark, but does not have the right to prevent others from selling or distributing the same goods under a dissimilar mark.
- Click for more information about [Trademarks](#).

What is the duration of copyright protection?

- The duration of copyright protection for a work depends on several factors. These factors may include: the date of creation of the work; whether the work has been registered or published; whether the creator of the work is anonymous; whether the work was jointly created; and whether the work is a Work for Hire. A summary of the duration of copyright periods for certain categories of works is outlined in the following table:

| Type of Work and Status of the Author | Date of Creation | Duration of Rights |
|--|-----------------------------|---|
| Work created by a single known author | On or after January 1, 1978 | Life of the author plus 70 years after author's death |
| Work created by two or more authors | On or after January 1, 1978 | 70 years after the death of the last surviving author |
| Works for Hire and anonymous works | On or after January 1, 1978 | The shorter of 95 years from the first publication of the work or for 120 years from the year of creation |
| Unpublished/non-registered work created by a single known author | Before January 1, 1978 | Life of the author plus 70 years after the author's death |
| Unpublished/non-registered work created by two or more authors | Before January 1, 1978 | 70 years after the death of the last surviving author |
| Unpublished/non-registered Works for Hire and anonymous works | Before January 1, 1978 | The shorter of 95 years from the first publication of the work or for 120 years from the year of creation |
| Published or Registered Works | Before January 1, 1978 | 28 years from the date of publication or registration plus renewal term if applicable ¹ |
| All Works | Before 1923 | Are now in the public domain |

- For information regarding the duration of copyright protection for specific works owned by the University of Florida, you may contact the [Office of the Vice President and General Counsel](#).

Are all works protected by copyright?

- No. Some works are not protected by copyright. Such works may be copied without restriction.
- Works that generally do not have copyright protection include:
 - Works authored by the U.S. Government;
 - Works first published before 1923;
 - Works that contain an express notice stating that the work is in the public domain; and

¹ Subsequent amendments to copyright law have extended the renewal terms for certain previously protected works. For more detailed information please [click here](#)

- Works initially published prior to March 1, 1989 that do not include a copyright notice.
- Determining whether a work is protected by copyright is not always easy to do. This is largely because works created after March 1, 1989, are not required to include a copyright notice in order to have copyright protection. Therefore, works created after March 1, 1989, should be presumed to be copyrighted unless the work includes an express notice stating that the work is in the public domain. Works created before March 1, 1989, are generally required to include a copyright notice in order to be protected.

When is a work considered to be in “the Public Domain?”

Copyrightable works which are designated as being “in the Public Domain” are not protected by copyright. Works in the Public Domain usually are in this status for one of the following reasons: there has been a lapse in the [duration of the copyright](#); the owner of the copyright has renounced the [Exclusive Rights](#) afforded to the owner of a copyright; or the work was never protected by copyright.

How can I obtain a copyright in my work?

- Generally, a copyright in a work is established when the work is created, and belongs to the creator of the work, unless the work is a [Work for Hire](#).
- The owner of a copyright may also register that copyright with [United States Copyright Office](#) in order to formally acknowledge ownership. In order to file a lawsuit for copyright infringement, a copyright must be registered with the [United States Copyright Office](#).
- Though not required, it is recommended that the owner of a copyright use a formal copyright notice in order to inform the public and to protect against innocent infringers. Click for examples of a [formal copyright notice](#).

How can I seek permission to use a copyrighted work?

- The following resources are available to individuals seeking to obtain permission to use a copyrighted work:
 - Collective Rights Organizations - Depending on the type of work you wish to seek permission to use, you may find the following organizations useful. This information is offered as a resource. This list is not exhaustive.
 - Text - [Copyright Clearance Center](#).
 - Images - [Artists Rights Organization](#).
 - Music - Several organizations license the right to perform music in public. These organizations include:
 - ✓ [ASCAP](#) (American Society of Composers, Authors and Publishers).
 - ✓ [BMI](#) (Broadcast Music Incorporated).

- ✓ [SESAC](#) (Society of European Authors and Composers).
 - Movies - [Motion Picture Licensing Corporation](#).
 - You may also seek permission directly from the owner of the copyright.
- Before seeking permission to use a copyrighted work, be sure that the person or entity from which you seek permission actually has the authority to grant permission (they own the copyright).
- If at all possible, permission should be given in writing and specifically describe the scope of permissible use.
- If you are an employee of the University of Florida and have questions about or need assistance with obtaining permission to use a copyrighted work, contact the [Office of the Vice President and General Counsel](#).
- Click for a [sample permission letter](#).

What should I do if I am either unable to locate the owner of a copyright to seek permission to use the copyrighted work, or the owner of a copyright is not responsive?

- The inability to locate the owner of a copyright is not a defense to a copyright infringement lawsuit. Therefore, if you cannot locate the owner of a copyright or the owner is not responsive, you should consult an attorney who can assist you in weighing the risks.
- There are many resources available to assist individuals in seeking [permission](#) to use copyrighted material. Be sure to contact one or more of these resources to assist you.

When can I use a copyrighted work without seeking the copyright owner's permission?

- You are required to seek the copyright owner's permission prior to engaging in one or more of the copyright owners exclusive uses, except in the following limited instances:
 - The work is in the public domain;
 - The work was created by an employee of the federal government;
 - The proposed use of the work is covered by the [TEACH Act](#);
 - The proposed use of the work is a [Fair Use](#); or
 - The owner of the copyright has prospectively and explicitly granted permission for the work's use.
- If you are unsure whether your proposed use of a copyrighted work falls within the circumstances described above, you must either seek legal advice or seek permission from the owner of the copyright. Failure to do so may result in your being held personally liable for copyright infringement and may result in your facing civil and criminal penalties!

What are the penalties for violating the rights of a copyright owner?

- The violator of a copyright (an infringer) may face civil penalties. If the violation is willful, the infringer may also face criminal penalties.
- Faculty, staff, and students at the University of Florida who violate copyright law may also face disciplinary action under applicable University policies.

What are the University's policies regarding copyright?

- In addition to applicable federal and state laws, the University of Florida has established policies related to copyright; several of the policies are summarized here.
- The [University of Florida Intellectual Property Policy](#) is based on section [1004.23, Florida Statutes](#), which authorizes the University to license, protect, and otherwise deal with the work products of University personnel.
- [University of Florida Regulation 6C1-1.018](#), requires that all University of Florida personnel disclose certain works created during their affiliation with the University.
- [University of Florida Regulation 6C1-4.017](#) sets forth guidelines for students regarding academic honesty. This rule prohibits use of the work of another without proper attribution to the author of the work.
- [University of Florida Regulation 6C1-1.0101](#) sets forth the University's expectations regarding maintaining high ethical standards in research and for reporting scientific misconduct.
- [University of Florida Regulation 6C1-1.018](#) sets forth requirements for disclosure of copyrightable works and inventions.

What is the Acceptable Use Policy (AUP) and how does it relate to copyright?

- The AUP governs users of all University computing resources. Among other things, this policy requires faculty, staff and students to comply with federal and state copyright laws.
- The AUP places the responsibility on users to know the requirements of various laws, policies, and regulations. Persons who violate the AUP may be subject to University discipline, as well as civil or criminal penalties.

Must copyrighted works include a notice of copyright such as “©2005 Anne Smith all rights reserved” in order to be protected?

- No. However, a good rule of thumb is to treat a work without a copyright notice as being a copyrighted work unless:
 - The work was created by an employee of the federal government;
 - You are certain the work was published before March 1, 1989; or
 - The work includes a notice that it is in the public domain.

- If a work was initially created before March 1, 1989, it is required to carry a notice in order for the owner of the copyright to claim copyright protection. However, works created after this date are not required to carry a notice.
- It is always advisable to place a notice on copyrighted works that you own. Click for [sample notices](#).

What is a Work for Hire?

- A Work for Hire is a work prepared by an employee in the course of his or her employment. In general and unless some other arrangement has been made, the employer, not the employee, owns the copyright in a Work for Hire.
- At the University of Florida, the copyright for a work which is created in the field or discipline in which the creator is engaged by the University or is made with the use of University support, is owned by the University.

I own a copyright in a work. What should I do if someone has violated my copyright?

University resources may only be used to enforce the rights of copyrights that are owned by the University. As the owner of a copyright, you are responsible for enforcing your rights. Therefore, you should contact your personal legal counsel.

Copyright in the Classroom Fair Use and the TEACH Act

What is the Fair Use Doctrine?

- The Fair Use Doctrine has been developed from federal copyright law, and provides some limits to an author's exclusive control of a copyrighted work.
- Section 107 of Title 17 of the United States Code provides that "the fair use of a copyrighted work, including such use by reproduction in copies ... for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright." This is what is commonly known as the "**Fair Use Doctrine.**"
- Under the Fair Use Doctrine, using copyrighted material in a classroom without obtaining prior permission from the author may be permissible, but this is not a given. Determining whether your contemplated use is a "fair use," and therefore is not copyright infringement, requires careful consideration of all the factors relevant to your specific situation. Even in education, not all uses are fair uses. When in doubt you should always seek legal counsel or seek permission from the owner of the copyright.

How can I determine whether my contemplated use meets the requirements of the Fair Use Doctrine?

- To determine whether a contemplated use qualifies as a fair use or whether you will need to get permission from the author, please begin by answering the following questions:
 - (1) **Is the work protected?** Not all works are protected by copyright. Works that are not protected may be copied or used without the author's permission. Examples of works that do not have copyright protection include; works published by the United States Government, works created before January 1, 1923 and works that are in the public domain.
 - (2) **If the work is protected, do you wish to exercise one of the owner's exclusive rights?** The owner of a copyright has several [Exclusive Rights](#). Will your contemplated use infringe on one of these rights? If your use will not infringe on an exclusive right, then copyright law does not require that you seek the copyright owner's permission.
 - (3) If, however, the work is copyrighted and you wish to exercise one or more of the author's exclusive rights, **is your use a fair use?** In order to determine whether your contemplated use is a fair use, the following factors must be considered:
 - The purpose and character of the use, including whether the use will be commercial or for non-profit educational purposes;
 - The nature of the copyrighted work;
 - The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 - The effect of the use on the potential market for or value of the copyrighted work.
- If you are not sure whether a contemplated use meets the requirements of the Fair Use Doctrine, then you must either seek written permission from the owner of the copyright or seek legal advice.

What is the TEACH Act?

Passed in 2002, the TEACH Act is an amendment to federal copyright law that enhances the ability of educational institutions to use digital technology in distance education. In general, the TEACH Act gives certain educational institutions more flexibility to use copyrighted materials in distance education. However in exchange for these additional freedoms, the institution must also meet certain specific requirements.

How does the TEACH Act relate to classroom instruction?

- The TEACH Act allows instructors at non-profit educational institutions to perform or display certain types of copyrighted works in distance education courses without obtaining the prior consent of the owner of the copyright. The Act therefore affords increased flexibility to course instructors.

- The TEACH Act also imposes a number of limitations and restrictions on institutions that wish to take advantage of the TEACH Act. These requirements are summarized below.
- Applicability of the TEACH Act is limited to instruction that is an integral part of classroom experiences, controlled by the instructor, and is analogous to a live classroom performance or display.

What types of works are covered by the TEACH Act?

- The Act covers transmissions of:
 - Non-dramatic literary works;
 - Non-dramatic musical works; and
 - Limited and reasonable portions of all other performances including those incorporated in any type of audio-visual work such as videotapes and films, and any dramatic musical work.

What is required for an institution to take advantage of the TEACH Act in distance education courses?

- The performance or display must be at the direction of the instructor;
- The performance or display must directly relate and be of material assistance to the teaching content of the transmission;
- The transmission must be made solely for and limited to students enrolled in the course;
- The institution must have a copyright policy and provide informational materials to faculty, students, and staff members on copyright compliance;
- The institution must provide notice to its students that the course materials are protected by copyright; and
- The institution must apply technological measures that reasonably prevent the retention of the material by the students longer than the class session and prevents unauthorized further dissemination of the materials.

What should you do if the work is not covered under the TEACH Act?

- If the work is not covered by the TEACH Act, then you should first determine whether your proposed use can meet the requirements of the [Fair Use Doctrine](#).
- If your proposed use is not a fair use, then you must seek permission from the owner of the copyright.

If I send my course materials to a local copy shop for copying and distribution to students in my course am I responsible for seeking permission to reproduce the copyrighted works included in my course pack?

Maybe. In order to make this very important determination you should consider: (1) whether or not the copies will be a [Fair Use](#); and (2) whether or not the copy shop has secured permission and is paying royalties to the owner of the copyright. If the copying is not a fair use and the shop has not secured permission nor is paying royalties, both you as the course instructor and the copy shop could be held liable for copyright infringement. If you have any questions, you should either seek the permission of the author or seek legal advice.

Copyright and Course Reserves

How does copyright affect what I can put on course reserve for my students?

- The libraries at the University of Florida provide course reserve services that comply with copyright laws. Instructor guidelines and policies for using the services are available online for both the [Smathers Libraries](#) and the [Health Science Center Libraries](#).
- For traditional, hard-copy course reserve materials, original works owned by the libraries or the course instructor may be placed on reserve at the library. If the library does not own the work, the instructor may request that the library purchase it.
- For electronic reserves, the library may provide a link or access instructions to library-owned online periodicals, books, and other content. Library staff may also scan materials locally if such use can be considered fair use or is protected under the TEACH Act. If not, permission must be sought from the copyright owner, who may charge a fee for the use.

Copyright and Computer Software

Is computer software protected by copyright?

Yes. However, most computer software comes with a license agreement that specifically defines how the software may be used by the purchaser. In most cases, such a license does not allow original copies of software to be reproduced or given to third parties. Since there is no authority in the Copyright Act to copy software to give to others, doing so is a violation of copyright law.

Copyright Issues in Other Settings

Do public performances of music or video violate copyright law?

If your contemplated use is a “performance” and takes place in “public,” then it may be a violation of the owner’s copyright. You must consider whether the contemplated activity constitutes a public performance.

What is a “performance”?

- Although not regarded as a performance in the way that term is typically used, many activities involving the broadcast of music or video are performances for the purposes of copyright law.
- For example, playing DVDs, audio tapes, or videos are all performances of the underlying copyrighted work. Whether these performances are subject to the requirements of copyright law depends on whether the particular performance is considered a “public” or a “private” performance. Only public performances are subject to copyright law.

When is a performance “public”?

- In order to determine whether a performance is public, you should consider two factors: (1) does the performance take place in a location that is open to the public; and (2) will the performance take place where a substantial number of persons are gathered.
- If the performance takes place in public (i.e. there is open access) it is considered a public performance no matter how many people are present. If the performance takes place where there is not public access, whether or not the performance is public will depend upon the types and number of people present during the performance.
- Examples of public performances. The following is a list of activities that should generally be regarded as public performances:
 - **Playing rented video tapes or DVDs for entertainment in a residence hall common area;**
 - **Playing recorded music in an exercise course; or**
 - **Musicians playing someone else’s music live at a party.**

What is required if I wish to play music, videos, or movies in public?

- First consider whether or not the performance will qualify as a [Fair Use](#) of the copyrighted work or if the use is covered by the [TEACH Act](#). If not, then you must obtain permission from the owner of the copyright. Permission can be obtained either from the owner directly or, in some instances, through a [Performance Rights Organization](#).

- Should you need assistance with determining whether your anticipated use will be a public performance or in obtaining permission, please contact the University of Florida [Office of the Vice President and General Counsel](#).

I wish to obtain a copyright in a work I created. How may I protect the work?

- In order to determine what rights you have in a work you created, the first step is to determine whether or not the work is a [Work for Hire](#). Most works created during the course of employment will be considered a Work for Hire, which means the employer, not the employee, owns the copyright in the work.
- If the work is not a Work for Hire, your ownership of a copyright in the work was likely established when you created the work. You may also wish to register the copyright with [United States Copyright Office](#). Although it is not required, there are many advantages to registering your copyright. In addition, a copyright must be registered with the United States Copyright Office before you can file a lawsuit for copyright infringement.
- Though not required, it is recommended that the owner of a copyright use a formal copyright notice in order to inform the public and to protect against innocent infringers. Click to see a [sample notice](#).

As a faculty member or staff, may I enter into a consulting agreement if it requires that I give away my interests in all applicable copyrights?

- It depends. Faculty and other staff engaged in consulting work should ensure before signing a consulting agreement that it is not in conflict with the University's policy regulating outside activities. The University's policy on outside activities is set forth in [University Regulation 6C1-1.1011](#).
- The University's Outside Activity Policy requires University faculty and staff who wish to enter into consulting agreements to submit a [University of Florida Outside Activities and Financial Interest Report](#) to the University. Because consulting agreements frequently require the consultant to waive intellectual property rights as a condition of employment, the University requires University faculty and staff to request and receive approval before signing consulting agreements. Approval of such requests is primarily based on a determination that the University does not possess an interest in the intellectual property rights that the consultant is being asked to waive.

What do I do if I believe my copyright has been violated?

- If you and not the University of Florida owns the copyright, you are responsible for enforcing the copyright, and should seek legal advice on the appropriate course of action.
- If the University of Florida is the owner the copyright, you should contact the [Office of the Vice President and General Counsel](#).

Ownership and Authorship

Is the author of a work also the owner of the copyright?

- Initially, ownership of copyright in a work is assigned to the creator of the work. However under the Work for Hire Doctrine, ownership of the copyright in a work may be attributed to the creator's employer rather than the creator. For example, if Dr. Jones, who is employed by company X as computer programmer, develops a new computer software program, company X will likely claim an ownership interest in the copyright for the software program under the Work for Hire Doctrine. What this would mean is that company X, not Dr. Jones, would own the copyright and therefore have control over how the software is used, sold, and copied, among other things.
- As illustrated above, the Work for Hire Doctrine gives employers the right to claim both authorship of the work and ownership of the copyright in the original works created by their employees. However, many academic institutions have created some exceptions to the general doctrine, by allowing certain members of that institution to retain individual copyrights in certain works. The [University of Florida Intellectual Property Policy](#) provides such an exception.
- Under the [University of Florida Intellectual Property Policy](#), the University does not claim an ownership interest in the copyright of scholarly articles published in journals that are independent of the University of Florida. Also, for faculty that are in the collective bargaining unit, the University does not claim a copyright interest in books, articles, or similar works created to disseminate results of academic research or scholarly study.

Issues Related to Faculty Publishing

What is an assignment of rights?

If an individual is asked to assign his or her rights in a copyrighted work, the person is usually being asked to give away all of the [Exclusive Rights](#) afforded to the owner of a copyright. If this is done, the original owner will be required to obtain permission from the person to whom the rights have been assigned in order to exercise any of the [Exclusive Rights](#) in the copyrighted work.

I am a faculty member. If I author a book chapter that is published in a textbook or other publication, or I author a journal article that is published in a scholarly journal, do I own the copyright in my work?

Maybe. Under University policy, if you are University of Florida faculty you own the copyright at creation of the work. However, whether or not you still own the copyright in such a book chapter or journal article will depend on whether you assigned the copyright to the company that published the work. You should consult the agreement you signed with the publishing company or journal to determine whether or not you have assigned your ownership rights.

Can I provide copies of my journal article or book chapter to students in my course?

As discussed above, this depends on whether you retained your copyright interest in the work or assigned all or part of that interest to the publishing entity when you signed the agreement to have the work published. If you assigned the copyright to the publisher, then the publisher now holds the exclusive rights to make and distribute copies of work. If providing copies does not meet the requirements of [Fair Use](#), or if you have not signed a licensing agreement with the publisher giving you the right to distribute such copies, then you are required to obtain permission from the publisher prior to copying or distributing the work.

Copyright Disclosure Requirements

Are University faculty and staff required to disclose the creation of a copyrightable work to the University?

Disclosure of copyrightable works is governed by [University Regulation 6C1-1.018](#) and the [University of Florida Intellectual Property Policy](#). University faculty and staff are required to disclose all University-supported works, including instructional works, to the University. For more information on these requirements, please contact the [Office of Technology Licensing](#).

Copyright and Students

I am a student. Does the university own the copyright for works I create during my academic study?

- The copyright interest in a work created by a student is generally owned by the student, unless the student is an employee of the University or the work was created with University funds, equipment, materials or technological information.
- If you are a student and plan to create a work using significant University resources, you should check with your course instructor or academic department to determine copyright ownership prior to creating the work.

- As stated in the [University of Florida Intellectual Property Policy](#), a thesis or dissertation does not come within the definition of University Supported Works, and the University does not have an ownership interest in the copyright in these works. The copyright for a thesis or dissertation is owned by the graduate student who authors the work.

Can I get in trouble for downloading music, videos, and movies from my residence hall room?

- Yes. It is a violation of law and the University Student Conduct Code to use the University's network to download copyrighted materials without the express consent of the owner of the copyright. A good rule of thumb is to assume that all music, videos, movies and other forms of entertainment media are copyrighted works that may not be copied or given to others unless the owner gives you permission and/or you pay a royalty for their use. "Downloading" copyrighted materials from the web or allowing your computer to function as a server to distribute copyrighted material may result in interruption of your network services, campus disciplinary action and criminal prosecution.
- For more information visit the following websites:
 - [Department of Residence Life](#)
 - [Student Code of Conduct](#)
 - [Campus Acceptable Use Policy](#)

What is plagiarism? Is plagiarism a violation of copyright law?

- Plagiarism and copyright infringement are closely related, but are two distinct forms of misconduct. At the University of Florida both are regarded as very serious misconduct which could lead to serious consequences both inside and outside the University. As a student, therefore, it is very important to understand and avoid both plagiarism and copyright infringement.
- Put simply, plagiarism is using another person's ideas without giving that person proper attribution. Copyright infringement may occur when a person uses a copyrighted work without the consent of the owner.
- As is discussed elsewhere on this site, the general rule is that the owner of the copyright in a work has the exclusive right to use and to grant others the right to use the work. However, the law recognizes some limits to a copyright owner's [Exclusive Rights](#). In an academic setting, the most important of these limitations is the [Fair Use Doctrine](#).
- Under the [Fair Use Doctrine](#) copyrighted material may, in certain circumstances, be used without the owner's prior consent. For example, using a sentence or two from a copyrighted work would likely be a fair use. However if you were to fail to attribute these couple of sentences to the author your use would be plagiarism. Likewise, if you were to use a clip from a current movie in a class presentation, it is quite possible that you have engaged in copyright infringement even if you gave credit to the creators of the movie.

What is Turnitin?

Turnitin is software service used to detect and deter plagiarism. Turnitin offers a variety of services to both University of Florida faculty and students. The University of Florida has purchased a license from the owners of Turnitin which allows University faculty to access the company's services. For more information about the company or how Turnitin works, go to: www.turnitin.com.

Copyright and Public Records Law

I have received a public records request for a copyrighted work. How should I respond?

In general, Federal Copyright laws preempt Florida Public Records laws. This means that the University may make documents which are public records and in which the University also owns a copyright, available only for inspection. Should you receive a public records request for a copyrighted work, you should immediately contact the [Office of News and Public Affairs](#) or the [Office of the Vice President and General Counsel](#).

Office of Technology Licensing

What is the Office of Technology Licensing?

The [Office of Technology Licensing](#) is responsible for matters related to the identification, protection, and commercialization of University-owned works and inventions.