



Policy Chapter: Chapter 8 Intellectual Property

Policy Number and Title: 08.001 Use of Intellectual Property Owned by Third Parties

I. Policy Statement

The University of North Texas (UNT or University) respects the ownership rights granted to creators of works by applicable intellectual property (IP) laws and under UNT Policy 08.003, Research and Scholarship Intellectual Property. This policy also protects the ownership rights of employers and parties commissioning works, when works are created in the course and scope of employment or as works for hire.

II. Application of Policy

This policy applies to the UNT campus community.

This policy and UNT Policy 08.003, Research and Scholarship Intellectual Property, both apply and address different rights and responsibilities of campus community members related to works they create using UNT resources, within the course and scope of their employment or as works made for hire for UNT. Campus community members must consider these policies in conjunction with each other for such works.

This policy and UNT Policy 08.003, Research and Scholarship Intellectual Property, also both apply and address different rights and responsibilities of campus community members related to works created in the course of UNT research. Campus community members must consider these policies in conjunction with each other for such works.

This policy and [UNT Policy 06.032, Online Courseware Intellectual Property](#), both apply and address different rights and responsibilities of campus community members regarding the creation of works to be used in the offering of online courses. Campus community members must consider these policies in conjunction with each other for such works.

This policy and [UNT Policy 04.019, Institutional Brand Identity](#), both apply and address different responsibilities of campus community members related to the trademarks and services marks of UNT. Campus community members must consider these policies in conjunction with each other before using such marks.

III. Policy Definitions

A. Author

“Author,” in this policy, is a term applicable to copyright and means the person or persons who first fixed the work as an expression in a fixed media; the expression may include any literary, dramatic, musical, artistic, or certain other intellectual works, including the writing of software code. Generally, this is the creator of the work, except when the work is made in the course and scope of employment or as a work made for hire, in which case it is the employer or the party that commissioned the work.

B. *Campus Community*

“Campus Community,” in this policy, means all faculty and other instructors, staff members, students, visiting scholars, and any other person at UNT involved in carrying out UNT’s mission at or under the auspices of UNT.

C. *Copyright*

“Copyright” is a set of exclusive rights granted by the United States government to the author of original works of authorship fixed in any tangible medium of expression. These rights include the following:

1. reproduction in copies,
2. distribution of copies,
3. display,
4. performance, and
5. creation of a derivative work based on the copyrighted work.

Examples of works protected by copyright include:

1. literary works;
2. musical works, including any accompanying words;
3. dramatic works, including any accompanying music;
4. pantomimes and choreography;
5. pictorial, graphic, and sculptural works;
6. motion pictures and other audiovisual works;
7. sound recordings; and
8. architectural works.

D. *Fair Use*

“Fair Use” is a limited exception to copyright protection that states that reproduction of a portion of a copyrighted work without the author’s permission may be allowed under certain circumstances. Fair use is covered in section 107 of the Copyright Act of 1976.

E. *Instructor*

“Instructor,” in this policy, means all faculty, teachers, lecturers, teaching assistants and all other parties who provide instruction to UNT students, regardless of full-time and part-time, tenured, tenure-track, research, clinical, post-doctoral, fellowship, visiting, adjunct, or emeriti status.

F. Intellectual Property (IP)

“Intellectual Property,” in this policy, means any new and useful process, scientific or technological innovation, technology, machine, composition of matter, life form, article of manufacture, software, tangible property, research data, or any work that is subject to protection by patent, copyright, trademark, or trade secret law. Intellectual property includes but is not limited to such things as new or improved devices, circuits, chemical compounds, drugs, genetically engineered biological organisms, data sets, software, musical processes, unique and innovative uses of existing inventions and any other deemed property.

G. License

“License,” in this policy, means a legal contract that grants to others certain legally protected rights of use in intellectual property. The license establishes the rights and obligations of each party and typically identifies whether the License is exclusive or non-exclusive, the field of use, the territory, and any royalties to be paid.

H. Owner

“Owner,” in this policy, means the individual(s) or entity holding legal right and title to a work of intellectual property that allow for use, possession, license, assignment, or transfer of the work.

I. Publication

“Publication,” in this policy, means a public disclosure of intellectual property, which may be verbal, printed, or made available digitally. Publications include abstracts and may include grant proposals, funded or unfunded.

J. Third Party

“Third Party,” in this policy, means the individual(s) or entity who is the owner of a work of intellectual property and who is someone other than the campus community member using the work.

K. Trademark

“Trademark” means, as recognized by federal and state laws, any word, name, symbol, or device adopted and used by an individual or a corporation to distinguish its goods or services from the goods or services of others.

IV. Policy Responsibilities

A. Adherence to Law

UNT requires the campus community to respect the rights and privileges of owners of intellectual property by adhering to all intellectual property laws. As such, the campus community must adhere to applicable intellectual property laws when using intellectual property owned by a third-party. See [UNT Library Copyright Quick Reference Guide](#) and the [UNT DSI CLEAR Copyright Guide](#) for further guidance.

Attribution and citation are required when using a work created and owned by a third party, even when the work is licensed under Creative Commons and other licensing agreements. Campus community members must identify copyright or trademark-protected works when used and attribute sources. Attribution should include a citation, whenever possible.

B. Trademarks

Generally, members of the campus community may reproduce and display trademarks owned by third party, as long as the reproduction and display is limited in scope to qualify as nominative fair use. A nominative fair use reproduction or display is one that is only used to identify a company, product, or service; is required in order to properly identify that company, product, or service; and reproduction or display is not used to infer or imply by placement or inclusion that the owner of the trademark is providing an endorsement or sponsorship or is otherwise involved with the usage. Please refer to the [UNT DSI CLEAR Copyright Guide](#) for best practices concerning trademark usage.

UNT trademarks may only be used in accordance with [UNT Policy 04.019, Institutional Brand Identity](#). For further guidance in use of UNT logos and branding, please refer to [UNT Policy 04.019](#).

C. Copyrights

Members of the campus community must always secure permission before using a third party's copyright-protected work, unless an exception or defense to copyright infringement applies. Please refer to [UNT Policy 14.003, Acceptable Use](#), for information regarding duplication and distribution of copyrighted work in digital materials.

D. Exceptions

1. Classroom Use

The performance or display of a lawfully made copyrighted work by instructors or students in the course of face-to-face teaching activities, taking place in a classroom or similar place devoted to instruction, is lawful and permitted. This exception does not protect or allow instructors or students to make copies of the copyrighted work.

2. Fair Use

Copyrighted materials may be copied or otherwise used without the author's permission where such copying or use constitutes "fair use" under copyright laws. There are four factors which copyright law requires the campus community to consider before relying on fair use in their use of a third party's copyright-protected work. The four factors include: (1) the purpose and character of the use, including whether such use is of a commercial nature; (2) the nature of the work; (3) the amount and substantiality of the portion used in relation to the work as a whole; and (4) the effect of the use upon the potential market for or value of the work. For detailed guidance on fair use, please refer to the [UNT DSI CLEAR Copyright Guide](#).

3. TEACH Act

Certain copyrighted materials may be used in electronic format for distance education purposes without having to obtain permission from the author under the TEACH Act. Campus community members who rely on this Act must adhere to all the requirements of the TEACH Act. These requirements, along with further guidance, are available at the [UNT DSI CLEAR Copyright Guide](#).

V. Resources/Forms/Tools

[UNT DSI CLEAR Copyright Guide](#)
[UNT Libraries' Copyright Quick Reference Guide](#)

VI. References and Cross-References

[17 U.S.C. §§ 101-1511](#)
[UNT Policy 04.019, Institutional Brand Identity](#)
[UNT Policy 06.032, Online Courseware Intellectual Property](#)
[UNT Policy 08.003, Research and Scholarship Intellectual Property](#)
[UNT Policy 14.003, Acceptable Use](#)

VII. Revision History

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