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للذكاء الاصطناعي
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OF ARTIFICIAL INTELLIGENCE

Copyright & Fair Use in the MBZUAI Teaching & Learning Environment Guidelines

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Version History

Version number	Person responsible	Date of change	Comments
V1.0	Head of Library Management	10/8/2022	[E.g., First approved version/ revision of department names/ update to reflect new legislation...]
V1.1	Head of Library Management	10/9/2024	Minor change, Federal Degree law (38) document hyperlink added in section one of the guidelines and mentioned in the Fair use of assessment.

Introduction

The Mohamed bin Zayed University of Artificial Intelligence's (hereafter 'MBZUAI' or 'University') promotes the appropriate use of copyrighted work in an academic environment and for teaching and learning purposes.

Purpose of the Guidelines

The following guidelines support best practices in the use of protected materials for academic purposes by the MBZUAI community but does not replace legal advice.

Members of the MBZUAI community remain responsible for their use of protected materials and this includes:

- Observing the rights of copyright owners,
- Observing license agreements,
- Interpreting fair use, and,
- Seeking permission from copyright owners when necessary.

Scope

Recommendations are specific to the academic environment, and specifically the academic library, the classroom, and including learning management environments. Recommendations should be supported by UAE Federal Law No. 7 Concerning Copyrights and Neighboring Rights (2002), and reference international conventions (Berne Convention for the Protection of Literary and Artistic Works) on fair use, and of which the UAE is a signatory nation.

The U.S. Copyright Act, 17 U.S.C. 101 provides an interpretation of fair use and is in popular use in international academic environments, however fair use allowance for parody available in US fair use exception should be disregarded.

Also disregarded are other exceptions to US copyright law not supported by the UAE Federal Law No. 7, this includes Face-to-Face Teaching, the TEACH Act, and the Agreement on Guidelines for Classroom Copying.

1. Reference Policies and Related Documentation

The following documents relate to this manual; thus, should be read in conjunction with this manual:

No.	Document	Description
1	MBZUAI Library Resources & Services Policy	Policy that describes resources and services offered by MBZUAI Library, identifies stakeholder roles and responsibilities, and expected patron behaviors.
	MBZUAI Library Interlibrary Loans & Document Delivery Procedures	Procedures to manage interlibrary loan and document delivery services based on best practices and standard sharing conventions.
2	UAE Federal Law No. 7 of 2002 Concerning Copyrights and Neighboring Rights (2002)	UAE copyright law. References fair use in the use of copyrighted resources for teaching and learning.
3	Berne Convention for the Protection of Literary and Artistic Works	International convention supports fair use. UAE is a signatory nation (2004).
4	U.S. Copyright Act, 17 U.S.C. §§ 101 et seq.	Exception to US copyright law (fair use).
5.	University of Columbia's Fair use checklist	Based on U.S. Copyright Act, 17 U.S.C. §§ 101 et seq.
7.	Intellectual Property Law and Practice of the United Arab Emirates	Reference work by Peter W. Hansen and available in MBZUAI Library and describes intellectual property laws and practices in the UAE.
8.	Federal Decree-Law No. (38) of 2021 on Copyright and Neighboring Rights	The latest update from the UAE Federal Law regarding Copyright and Neighboring Rights

2. Definition of Concepts

Concept	Definition
Copyright	<p>Copyright is a legal concept that protects the moral and economic rights of the owner of a protected work and includes the following rights:</p> <ul style="list-style-type: none"> • Reproduction: The right to make copies of a work • Distribution: The right to sell and distribute copies to the public • Derivative work: The right to prepare derivative works based on the original work • Performance and display rights: The rights to perform a protected work or to display a work in public
Protected work	<p>A work is protected the moment it is created, available in a tangible form, and perceptible with or without the aid of a device.</p> <ul style="list-style-type: none"> • A protected work may be published or unpublished and includes books, sound and video recordings, art works, photographs, and may be available in print, physical, or digital formats.
Copyright owner	<p>The copyright owner may be an author, artist, publisher, organization, etc.</p>
Fair Use	<p>Fair Use is a legal concept that allows for exceptions to copyright and is available in copyright laws and supported by international copyright conventions.</p> <ul style="list-style-type: none"> • The exception allows for the use of a limited amount of protected material under certain conditions, without first obtaining permission from the copyright owner. • The use of the material should not infringe the moral or economic rights of the owner and should be limited and specific to the purpose of use.
Public Domain	<p>Public Domain refers to works that are not protected by intellectual property laws such as copyright, trademark, or patent laws. The public owns these works, and anyone can use a public domain work without obtaining permission, but no one can ever own work in the public domain. Works may enter the public domain in the following ways:</p> <ul style="list-style-type: none"> • Copyright has expired • The copyright owner has “dedicated” the work to the public domain • Copyright law does not protect this type of work

Concept	Definition
Open Access	Copyright owners may make protected work available for use under more permissive types of licenses (for example, Creative Commons licenses). The resource is free for the reader to use but should be used within the parameters described by the license – and should not be confused with works that have entered the public domain.

3. Fair Use

- i. **FAIR USE** is a legal concept that allows for exceptions to copyright and is available in copyright laws and supported by international copyright conventions.
- ii. The exception allows for the use of a limited amount of protected material under certain conditions, without first obtaining permission from the copyright owner.

3.1 Fair use assessment

- i. Fair Use is described in the *UAE Federal Law No. 7 of 2002 Concerning Copyrights and Neighboring Rights* (Article 22.8) and allows:
 - a. Teachers to copy, quote, scan, clip short extracts of copyrighted material in preparing and delivering classes.
 - b. The use of the material should not infringe the moral or economic rights of the owner and should be limited and specific to the purpose of use.
- ii. Fair Use is always decided on a case-by-case basis and should be determined by the user of the protected work.
 - a. The following four factors provided by the USA's Copyright law (U.S. Copyright Act, 17 U.S.C. §§ 101 et seq.) may be used as a guideline to evaluate fair use:
 - i. The purpose and character of the proposed use
 - ii. The nature of the work being used
 - iii. The amount and portion of the work being used
 - iv. The effect of the use on the potential market for the copyrighted work
- iii. A [checklist](#) (see appendix 1) provided by the University of Columbia describes each criteria and is recommended to help assess Fair Use.
- iv. MBZUAI complies with article 22, "Limitations and Exceptions", Federal Decree-Law No. (38) of 2021 on Copyright and Neighboring Rights.

3.2 Examples of the reproduction of a work that infringes copyright

This includes the following:

- i. Reproduce a work, including systematically over a period of time, to replace the need to purchase the work.
- ii. Repeated reproduction of a work from semester to semester.
- iii. Reproduce copyrighted consumables. This includes workbooks, test booklets, etc., intended for individual use and purchase.
- iv. Reproduce an unpublished work without the permission of the owner. Unpublished works enjoy greater protection under copyright law.
- v. Modify, transform, rearrange, or repackage a protected work for redistribution in teaching without the permission of the owner.
- vi. Charge for reproductions beyond the cost of photocopying.

3.3 Attribution

- i. Attribution (providing a bibliographic reference) is a requirement of academic writing.
- ii. Attribution does not replace the need to obtain permission from the copyright owner should use of a work exceed Fair Use.
 - a. MBZUAI library provides resources and tools to support instruction and guidance on documentation styles.

4. Use of Copyrighted Works in the MBZUAI Classroom

4.1 Posting protected works on Learning Management System (Moodle)

- i. Prefer to post stable links to electronic resources available through the library's licensed databases:
 - a. Uploading articles, chapters, or complete works (PDF files) from the library's licensed databases to learning or course management system may infringe copyright and library licenses.
 - b. Find or request from the library a stable link to the resource. Students will be challenged for their MBZUAI credentials to navigate to the material, meeting licensing requirements.
- ii. Direct students to the library's Course Reserve to access an available print resource not available in electronic form:

- a. Digitizing a print copy of a protected resource and posting on a course management system creates multiple copies and which can be shared beyond the learning management platform. These actions may infringe copyright.
 - b. Plan ahead and request that the library source and purchase available copy/copies, and if required copyright permissions to support use on the learning management system.
- iii. Verify that posted links to free resources have been uploaded by copyright owners, and/or covered by public copyright licenses, meet open access conditions, or are in the public domain (copyright has expired or clearly dedicated to the public domain):
- a. Use resources that have been uploaded on the official channel of an organization, or scholar/researcher website and are available to be used, and as described by the provided copyright/terms-of-use information.
 - b. Follow open access conditions described on the document/site. See Appendix 2 for different types of open access.
 - c. If no licenses and applicable terms of use are described, assume the work is protected by copyright.
- iv. Request the library source and purchase available copyright permission (Copyright Clearance Center account) for a copyrighted article not licensed for academic use, or supported by an open access license, or not in the public domain.
- v. Contact copyright owner for permission before posting a copyrighted resource not licensed through the library, no copyright permissions are available for purchase, and for which the intended use would exceed Fair Use:
- a. Document and archive permissions received from copyright owner.
 - b. If the copyright owner cannot be verified use the resource on a Fair Use basis.

4.2 Class Handouts

- i. Reproducing multiple print copies of a protected work for classroom use must support Fair Use criteria:
 - a. If reproduction is deemed Fair Use, please include a copyright notice on each printed copy.
 - b. Prefer that students reproduce their own copy (for private study) and as required.

4.3 Showing Films

- i. MBZUAI library may have access to licensed educational and research audiovisual resources
 - a. Links can be posted on Moodle and/or viewed in a classroom environment.

- ii. To show or provide a link to videos that support a teaching objective and are available on the web, the following should be considered:
 - a. Videos that have been uploaded on the official channel of an organization and are available to be used in an educational setting, and according to the terms of use.
 - b. Videos that are covered by public copyright licenses or available on the public domain. User-generated videos, uploaded on the web, should not contain infringing content.
 - c. Entertainment streaming services like Netflix may provide one-time educational screenings for their own productions. These services do not support institutional subscriptions and requires a personal account.

5. Observing Copyright in the Library

5.1 Course Reserve

- i. The library maintains a reserve collection to support high demand access to course materials and other resources that support the academic program.
 - a. Copyright protected works, including personal copies of a book, a library owned book or textbook, journals, etc. may be placed on reserve for use by the MBZUAI community.
 - b. These items may be used as is, or, be reproduced in limited amounts for an individual's private study and research purposes.
 - c. Placing multiple reproductions (photocopies) of a protected work on Reserve requires a Fair Use analysis. A copyright notification must be included on each reproduced copy.
 - d. Digitization and distribution of a print resource for educational purposes requires copyright permission. Request that the library source and cost the availability of copyright permission.

5.2 Reproductions

- i. Library patrons using the library's equipment for the reproduction of protected material are responsible for observing copyright law.
- ii. Single copies of copyrighted print materials that support an educational purpose may be made for private study and research.
- iii. *The following may be considered infringements:*
 - a. The systematic and repeated reproduction of a protected work.

- b. The reproduction of an entire or substantial part of a work without permission of the copyright owner.
- iv. The library may make a copy of a protected work in its collection for the purpose of preservation and if a replacement copy is unavailable, or not available at a fair price in the market.
 - a. A digital preservation of a protected work may be made under the same conditions but may not be used outside the library.

5.3 Document Delivery & Interlibrary Loans

- i. The library offers document delivery services which allows patrons to request an item for their private study and research, and for resources not available through MBZUAI's library collections:
 - a. The availability of resources for document delivery is determined by the service provider.
 - b. Reproduced documents become the property of the patron and may not be archived or reshared by the library.
- ii. Document delivery services offered through a commercial vendor are expensive services, and request quotas may be applied to leverage the service.
- iii. Repeated requests for an item or part of an item through a non-commercial agreement (document delivery and interlibrary loan agreement with another library) is guided by standard practices (CONTU and relate practices), for shared resources and should not replace the need for the library to purchase or subscribe to the resource.

6. Appendices

Appendix 1: Fair Use Checklist (Columbia University Libraries)

Fair Use Checklist

Copyright Advisory Office
Columbia University Libraries
Kenneth D. Crews, Director
<http://copyright.columbia.edu>

Name: _____
Institution: _____
Project: _____
Date: _____
Prepared by: _____

Purpose

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit educational institution
- Criticism
- Comment
- News reporting
- Transformative or productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

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Nature

Favoring Fair Use

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

Opposing Fair Use

- Unpublished work
- Highly creative work (art, music, novels, films, plays)
- Fiction

Amount

Favoring Fair Use

- Small quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

Opposing Fair Use

- Large portion or whole work used
- Portion used is central to or "heart of the work"

Effect

Favoring Fair Use

- User owns lawfully purchased or acquired copy of original work
- One or few copies made
- No significant effect on the market or potential market for copyrighted work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on the Web or in other public forum
- Repeated or long-term use

Most recent revision: 051408

Appendix 2: Open Access – How open is it?

ACCESS	READER RIGHTS	REUSE RIGHTS	COPYRIGHTS	AUTHOR POSTING RIGHTS	AUTOMATIC POSTING	MACHINE READABILITY	ACCESS
OPEN ACCESS	Free readership rights to all articles immediately upon publication	Generous reuse & remixing rights (e.g., CC BY license)	Author holds copyright with no restrictions	Author may post any version to any repository or website with no delay	Journals make copies of all articles automatically available in trusted third-party repositories (e.g., PubMed Central, OpenAire, Institutional) immediately upon publication	Article full text, metadata, supporting data (including format and semantic markup) & citations may be accessed via API, with instructions publicly posted	OPEN ACCESS
	Free readership rights to all articles after an embargo of no more than 6 months	Reuse, remixing, & further building upon the work subject to certain restrictions & conditions (e.g., CC BY-NC & CC BY-SA licenses)	Author retains/publisher grants broad rights, including author reuse (e.g., of figures in presentations/teaching, creation of derivatives) and authorization rights (for others to use)	Author may post some version (determined by publisher) to any repository or website with no delay	Journals make copies of all articles automatically available in trusted third-party repositories (e.g., PubMed Central, OpenAire, Institutional) within 6 months	Article full text, metadata, & citations may be accessed via API, with instructions publicly posted	
	Free readership rights to all articles after an embargo greater than 6 months	Reuse (no remixing or further building upon the work) subject to certain restrictions and conditions (e.g., CC BY-ND license)	—	Author may post some version (determined by publisher) to any repository or website with some delay (determined by the publisher)	Journals make copies of all articles automatically available in trusted third-party repositories (e.g., PubMed Central, OpenAire, Institutional) within 12 months	Article full text, metadata, & citations may be crawled without special permission or registration, with instructions publicly posted	
	Free and immediate readership rights to some, but not all, articles (including "hybrid" models)	Some reuse rights beyond fair use for some, but not all, articles (including "hybrid models")	Author retains/publisher grants limited rights for author reuse (e.g., of figures in presentations/teaching, creation of derivatives)	Author may post some version (determined by publisher) to certain repositories or websites, with or without delays	Journals make copies of some, but not all, articles automatically available in trusted third-party repositories (e.g., PubMed Central, OpenAire, Institutional) within 12 months	Article full text, metadata, & citations may be crawled with permission, with instructions publicly posted	
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