



Procedure 3.27.1 Copyright Clearance

Part 1. Purpose

To provide guidance on clearing the copyright of materials prior to use.

Part 2. Applicability

This procedure applies to employees and students at Minnesota State colleges, universities, and system office.

Part 3. Definitions

Copyright clearance

The act or process by which a person ensures a proposed use of materials complies with copyright law.

Generative artificial intelligence (AI)

Artificial intelligence models that can generate high-quality text, images, and other content based on the data they were trained on.

- **Generative AI work**

A work created by generative AI.

- a. **Copyrightable generative AI work**

A work containing AI-generated material with sufficient human authorship, such as when a human selects or arranges AI-generated material in a creative way or modifies material originally generated by AI technology.

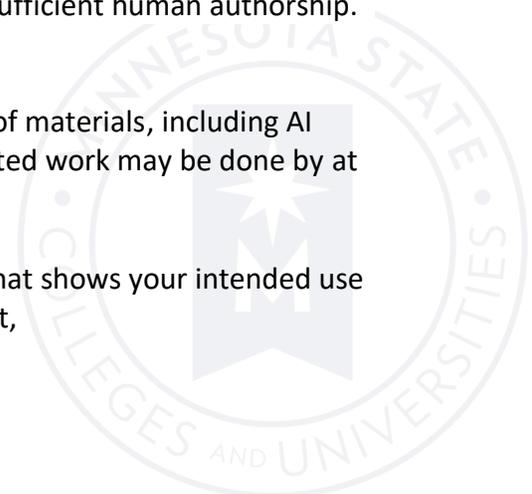
- b. **Non-copyrightable generative AI work**

A work containing AI-generated material that lacks sufficient human authorship.

Part 4. Copyright Clearance

Employees and students are responsible for clearing the copyright of materials, including AI generative works, before use. Clearing the copyright of a copyrighted work may be done by at least one of the following:

- Conducting a fair use analysis using the Fair Use Checklist that shows your intended use of the copyrighted work is supported by a fair use argument,



- Conducting a TEACH Act analysis using the TEACH Act Checklist that shows your intended use of the copyrighted work is authorized by the TEACH Act,
- Determining the materials are in the public domain:
 - Copyright has expired
 - Materials are non-copyrightable generative AI works
 - Materials are not eligible for copyright protection
 - Materials were created by the U.S. Federal Government,
- Determining the materials are open educational resources,
- Complying with the terms of an open, public, Creative Commons®, or similar license that makes the materials available for use,
- Obtaining written permission from the copyright holder or their authorized agent, or
- Determining the proposed use is otherwise authorized by the Copyright Act.

Permissions obtained from a copyright holder or their authorized agent, such as a digital or hard copy of a Creative Commons license, must be retained for the time period identified in the applicable records retention schedule at the college, university, or system office. Employees and students needing assistance with copyright clearance issues may consult with the system director for intellectual property, a college or university librarian, and system legal counsel.

Date of Adoption: 06/08/10
Date of Implementation: 06/08/10
Date of Last Review: 03/20/24

Date and Subject of Amendments:

- 03/20/24 – Full review, added “generative artificial intelligence” definitions in Part 2, and in Part 4, converted the information into a bulleted list, added examples of public domain materials, and added language on an “authorized agent”.
- 12/06/19 – Relocated copyright clearance example from the definition in Part 3 to Part 4, added librarian and system legal counsel in Part 4 while deleting intellectual property coordinator.
- 1/25/12 - The Chancellor amends all current system procedures effective February 15, 2012, to change the term “Office of the Chancellor” to “system office” or similar term reflecting the grammatical context of the sentence.

No additional HISTORY