

UNIVERSITY LIBRARY COPYING POLICY

As a result of the Copyright Act (2001 act) which affects educational institutions, classroom teaching, libraries and users of copyrighted material in general, a detailed policy has been adopted by the Kenyatta university library.

This policy affirms the guidelines for making reproductions of copyrighted material, adopted by Kenyatta university library in compliance with the Copyright Act, 2001.

The following excerpts highlight only the key provisions:

The Copyright Act 2001 act vests the right of reproduction of copyright protected works in the holder of the copyright i.e. the author and publisher.

1. What is copyright?

Copyright, which simply means the right to copy, is a collective term for a bundle of economic and moral rights granted by law to creators of original 'works of the mind' in literature, drama, art and music.

2. Copyrighted material

The Copyright Act provides that works of authorship which are subject to copyright protection include: Literary works; Musical works, including any accompanying words; Dramatic works, including any accompanying music; Pantomimes and choreographic works; Pictorial, graphic, and sculptural works; Motion pictures and other audiovisual works; Sound recordings, such as phonograph records and tapes; and Computer software

3. Which works belong to the public domain?

Works whose terms of protection have expired, those whose authors have renounced their rights and foreign works which do not enjoy protection in Kenya are considered to be in the public domain. Most government documents are in the public domain; however, there are some exceptions. It is appropriate to check for a notice of copyright before making multiple copies of such material.

4. What is fair use?

Fair use includes dealing for the purposes of scientific research, private use, criticism or review, or the reporting of current events subject to acknowledgment of the source. The doctrine of fair use has not been defined by any court of law. However it is generally agreed that if some literary work is reproduced for private study or research in a registered institution, it would be **unfair use** if the reproduction was of the **WHOLE WORK**. The converse would mean that if the reproduction was of a small part of the whole publication, the same would constitute fair use.

5. What is copyright infringement?

Copying of all or part of a work without the permission of the copyright holder or without a license is an infringement of copyright unless there is a statutory exception to such use of the work. Infringement of copyright is similar to theft of tangible property leading to civil or criminal action.

6. Criminal action

The author of infringed works may pursue civil or criminal action against the infringing person. The criminal sanctions include:

- Maximum fines of up to Kshs 800,000
- Maximum custodial sentence of up to 10 years
- Both fines and custodial sentences
- Criminal and civil actions are non-exclusive and may proceed concurrently

The library has a 3 page policy on photocopying, whereby staff and students are only allowed to copy 3 pages of any text book unless written permission to do otherwise has been secured from the copyright holder by the person who makes the copy or requests copying service. Further the policy allows making copies of one article from a journal, periodical, or newspaper. The user is responsible for ensuring that all photocopying requests comply with copyright law.

Note: The University is not required to police machines or to advise on possible infringement of the law.