

BLUE MOUNTAIN COLLEGE

POLICIES AND PROCEDURES

AREA: Academic Affairs

NUMBER: Policy 2.24

SUBJECT: Copyright

1. Purpose

This policy serves as a guide concerning the reproduction of copyrighted printed and nonbook materials on the Blue Mountain College campus. All faculty, students, and employees must comply with the Copyright Act of 1976, its additional revisions, and supplemental policies. Because Congress periodically revises the present copyright laws and adds new ones, this policy will incorporate the latest available information. Many copyright circulars issued by the U.S. Copyright Office reflect these additions and revisions. Information about the most current information is available in Guyton Library.

2. Copyright Law

The United States Copyright Law (Title 17, *United States Code*) gives legal protection and exclusive rights for authors and creators of published and unpublished original works (such as literary, dramatic, musical and artistic works, and other intellectual materials as Web pages and computer software programs) to determine what others may do in regard to reproducing, performing, or displaying their works.

The College expects all users of the institution's electronic resources to be aware of how intellectual property laws, regulations, and policies apply to the electronic environment and to respect the property of others. If there is a question or concern about such laws, regulations, and policies, one should seek clarification from the Director of Information Technology Services.

3. Public Domain and Duration of Copyright

Copyright protection begins at the time a work is created and various types of materials are protected by copyright laws for differing periods of time. After works are no longer protected they are in public domain and may be used without having to request permission. Congress periodically alters the terms of copyright duration so it is often difficult to determine which works are in public domain. A table summarizing duration of copyright information, and information concerning the copyright status of a work is available in Guyton Library.

4. Fair Use

Fair use guidelines allow exceptions to the copyright laws for the needs of students and scholars. Four basic factors which help determine *fair use* are:

- I. Purpose and character of the use
- II. Nature of the copyrighted work
- III. Amount and substantiality of the portion used in relation to the copyrighted work as a whole
- IV. Effect of the use upon potential market for or value of the copyrighted work

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All copying by educational institutions is not *fair use*. *Information about Reproduction of copyrighted works by educators and librarians* is available in Guyton Library.

Sections 107-122 of the Copyright Act explain library exceptions. *The Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals* states minimum standards for educational *fair use*. Information related to these exceptions is available in the Guyton Library.

5. **Safe Harbors**

The Digital Millennium Copyright Act (DMCA) of 1998 provides guidelines for the use of technology such as email and Web sites. *Safe harbors* provide some immunity for online service providers. Information on the DMCA is available in Guyton Library.

6. **Permission Request Form**

Information concerning obtaining permission to copy and a copy of the *Permission Request Form* is available in Guyton Library.

7. **Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws**

- a. Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.
- b. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.
- c. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.
- d. For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

8. **References**

In addition to information available on various Web sites, there are other references in Guyton Library which provide many detailed explanations and examples relative to copyright laws.

SOURCE: Executive Committee: September 13, 2021; Board of Trustees: October 02, 2009; October 03, 2003

ACCOMPANYING DOCUMENTATION:

1. Procedures