



Stratford University

Policies and Procedures

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BACKGROUND

The LRC is committed to developing the information literacy skills needed for academic and professional success. All resources and materials provided for use by the LRC are to be used in accordance with the provisions of the United States Copyright Act of 1976 as amended, the Digital Millennium Copyright Act of 1998, and the Technology, Education and Copyright Harmonization Act of 2002, unless licenses or agreements exist which allow for exceptions.

POLICY

LEGAL ISSUES AND STANDARDS

It is the policy of Stratford University to comply with copyright laws restrict: The copyright law of the United States (Title 17, United States Code) governs the making of copies and other reproductions of copyrighted material. Any individual who uses a photocopy or reproduction for purposes in excess of "fair use" may be liable for copyright infringement. Using any original work which exists or is fixed in any tangible medium of expression constitutes as copyrighting. Images displayable on computer screens, computer software, music, books, magazines, scientific and other journals, photographs and articles are also subject to copyright. A copyright notice is not required. 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). In the file sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

FAIR USE

Fair use is a legal principle that provides certain limitations on the exclusive rights of copyright holders. The Copyright Act of 1976 recognizes the need for educators, scholars and students to use copyrighted materials without permission from the copyright holder. This provision is called fair use. Specifically, fair use doctrine offers a means of balancing the exclusive right of the copyright holder with the public's interest in dissemination of information affecting areas of universal concern, such as art, science, history, or industry.

The fair use provision of the Copyright Act allows reproduction and other uses of copyrighted works under certain conditions for purposes such as criticism, comment, news reports, teaching, scholarship, and/or research. The guidelines that follow provide principles for those who wish to use and/or digitize copyrighted works under fair use rather than by seeking authorization from the copyright owners for noncommercial educational purposes.

The key determiner of fair use is the amount of a selected work that is disseminated without permission from the copyright holder. In determining whether the use is within the fair use doctrine, the following four factors must be considered:

Four factors of fair use:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
- The nature of the copyrighted work
- The amount and substantiality of the portion used in relation to the copyright work as a whole
- The effect of the use upon the potential market for or value of the copyrighted work

Essentially, fair use is allowed as long as the use does not affect the economic viability of the materials. Economic viability is affected if the use in question captures the “essence” of the copyrighted work. Stratford University is a for-profit institution and must weigh the four factors of fair use while keeping its commercial aspect in mind. When in doubt legal advice shall be sought.

PUBLIC DOMAIN AND COPYRIGHTED WORKS

Works in the public domain may be used freely by anyone, for any purpose, without copyright permission from anyone - because no one owns exclusive rights in these works.

Before distributing or showing any copyrighted works, copyright law will be checked to ensure compliance with copyright standards.

WHEN WORKS PASS INTO THE PUBLIC DOMAIN

Date of Work	Protection in Effect from	Term
Created 1-1-78 or after	When work is fixed in tangible medium of expression	Life + 70 years (or if work of corporate authorship, 95 years from publication, or 120 years from creation, whichever is first)
Published 1922 or earlier	Now in public domain	None

Published between 1923-1963	When published with notice	28 years + could be renewed for 67 years; if not so renewed, now in public domain
published 1964-1977	When published with notice	28 years for first term; now automatic extension of 67 years for second term
Created before 1-1-78 but not published	1-1-78, the effective date of the 1976 Act which eliminated common law copyright	Life + 70 years or 12-31-2002, whichever is greater
Created before 1-1-78 but published between then and 12-31-2002	1-1-78, the effective date of the 1976 Act which eliminated common law copyright	Life + 70 years or 12-31-2047, whichever is greater

Adapted, on the basis of 1998 amendments to 1976 copyright law, from Libraries and Copyright: A Guide to Copyright Law in the 1990s, Laura N. Gasaway and Sarah K. Wiant (Washington, D.C.: Special Libraries Association, © 1994).

Civil and Criminal Penalties for Violations of Federal Copyright Laws

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject you civil and criminal liabilities. Penalties for 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.

Willful copyright infringement also can result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see www.copyright.gov and www.copyright.gov/help/faq

University Violation for Misuse/Copyright Infringement

A violation of copyright law also constitutes a violation of University policy, and can result in suspension of user accounts and referral to the appropriate divisional authority for disciplinary action. In order to comply with Stratford University policy and with federal laws and regulations Stratford University employs technology-based deterrents including: (i) packet shaping; (ii) automated intrusion prevention; (iii) network segmentation; (iv) firewalls; and (v) registration of devices to limit the ability of illegal peer to peer network function on campus. In addition, Stratford University educates the Stratford University community regarding copyright laws and internal policies via various web-based educational materials.

Stratford University disseminates information on legal alternatives via the listing on this policy page.

PROCEDURES

ASSESSMENT

The Campus Librarians will assess the effectiveness of the copyright policy through:

- Discussion on the bi-weekly teleconference
- Periodic review of U.S. Copyright Law as applied to print, electronic and new formats of information and other resources.

AUTHORITY

This policy may be supplemented, altered, added to or changed by the Stratford Librarian's Committee using the process set forth in the *Stratford University Institutional Policy Review Process*.

REVIEW SCHEDULE

This policy will be reviewed at minimum, on an annual basis or as necessary

Preparer: Stephen Toppin & Arthur McKinney

Revision History

Date	Summary of Revision	Approved by
2/26/2016	Formulation of new policy.	Stratford Librarians' Committee
4/18/2017	Content of the previous Copyright Policy adapted to fit current document format. – Laura De Leon	
1/2/2018	Added to APM	
11/9/2018	Content of the previous Copyright Policy revised to meet the DOE requirements and standards of Copyright regulations Approved and Added to the APM- Preparer Stephen Toppin	

Review History

Date of Review	Recommended Changes
11/8/2018	Outline or detail of consequences for misuse; explanation of Civil and Criminal Penalties