

John A Gupton College Copyright Policy:

10/12/2015

John A. Gupton College is committed to compliance with US copyright law and the protection of intellectual property in its classrooms, offices, and library. Members of the John A. Gupton College community are advised that violation or infringement of the U. S. Copyright Act (Title 17, U. S. Code) can result in both criminal and civil liabilities and penalties.

The U. S. Copyright Act protects copyright holders as authors of original works to exclusive rights (Title 17, Sec. 106) of the U. S. Code. Those original works may exist within a wide range of media such as written documents, books, magazines, journals, newsletters, maps, photographs, audio and video files, computer files, etc. But copyright law does not protect facts, ideas, or data.

Among those rights to which copyright holders are entitled are the following:

- 1. The right to create or reproduce copies of those works**
- 2. The right to create modified or derivative works from an original work**
- 3. The right to make that work available to the public**
- 4. The right to present or display the work publicly**
- 5. The right to perform the work for the public.**

In general, the copyright holder's exclusive rights make it unlawful to transmit copyrighted work over the Internet without the permission of the copyright holder. The exceptions to this rule are those cases that fall within the fair use guidelines.

But individuals and institutions may copy, display, and make use of copyrighted materials provided they obtain permission from the copyright holder.

In some cases, copyrighted materials may be copied, displayed, and used without permission from the copyright holder provided it is within the guidelines of the fair use provisions of the Copyright Act (Title 17, Sec. 107) of the U. S. Code. A work is more likely to be considered within "fair use" if it involves teaching, news reporting, criticism, commenting, or used for research and scholarship purposes.

In general it is more likely to be considered within the "fair use" guideline provisions if:

- 1. The use of the material is of a non-profit and educational nature rather than intended for commercial purposes.**
- 2. If the work is of a scholarly or factual nature rather than primarily expressive or fictional.**

3. It is more likely to be within the fair use guidelines if only a small portion of the work is used rather than a large portion or the entire work.

4. If the use of the copyrighted material does not have a negative impact upon its market value.

Copyright in the Classroom

Students and instructors may display or perform copyrighted works in a face-to-face classroom setting in accordance with the Copyright Act (Title 17, Sec. 110(1)) of the U. S. Code. This would include the display of images, motion pictures, musicals, theatrical works, or audio visual works. However, these items should not be displayed if it is believed that they were either unlawfully created or acquired.

The provisions of Sec. 110(1) apply only to the face to face classroom setting. However, limited distribution of copies of some copyrighted material may be done by an instructor without permission under the fair use guidelines. For example, an instructor may distribute a poem, a cartoon or an article if there is not enough time to obtain permission.

The use of library VHS and DVD formatted video recordings are permissible in the classroom setting when shown by faculty for face-to-face educational purposes.

Copyright in the Library

Notices posted in the John A. Gupton College Library will direct faculty, staff, and students to this copyright policy to ensure that all copying is done in compliance with the Copyright Act of 1976 (Title 17, Sec. 107 and 108 of the U. S. Code) and within “fair use” guidelines.

1. Use of the Copier

Students may freely make copies of faculty instructional materials when directed by the faculty provided these materials are the exclusive property of the faculty. Single copies of articles from journals may be made for educational and instructional purposes. Single copies of books or monographs may be made provided the copies do not exceed about ten percent of the work.

Copyright infringement, however, may be involved if assignments are repeatedly copied from a book or if copies are made from consumable workbooks without

permission. Making multiple copies from books for distribution without permission may also involve copyright infringement.

2. The Audio Visual Collection

The library houses a collection of audio visual materials that may be checked out by students or faculty for non-profit educational purposes on a variety of subjects. The library does not house audiovisual materials for entertainment purposes. The library does not generally duplicate audiovisual materials because this requires the permission of the copyright holder. Faculty who need to duplicate audio visual materials have the responsibility of obtaining permission from the copyright holder.

Copyright for Reserve Materials

The library will place books on reserve at the request of faculty provided the book is owned by the library or the faculty member. If the book is not owned by the Gupton community it can be purchase by the library and placed on reserve.

The library will place reproductions or photocopies of copyrighted materials on reserve provided permission has been obtained from the copyright holder or the faculty member making the request has determined that the copied material falls within the “fair use” guidelines of the U. S. Copyright Act. The faculty member is requested to provide a full bibliographical citation for the copy to be place on reserve.

Federal Copyright Penalties

See the Department of Justice website notice of penalties for violation of copyright protection:

http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/crm01852.htm