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	Approval:		Date: 03/2012 Review by: 7/2020
			
	Date Revised: 07/2020		
Policy/Revision Submitted by: Michelle Nielsen-Ott			
SUBJECT: Copyright Policy			

I. Policy

This policy is intended to guide the use of copyrighted materials at Methodist College in accordance with the Copyright Law of the United States (title 17, U.S. Code).

II. General Information:

Copyright:

Copyright is a deliberate monopoly established by law to secure financial incentives for creators to make new works. Under the current U.S. copyright law (17 U.S. Code), any fixed work is copyrighted. This includes published and unpublished works. Copyright is automatic, it does not require registration (though registration is recommended as it provides some legal benefits)/ Copyright is granted to the creator(s) (and descendants) for life plus 70 years.

The copyright owner has exclusive rights to:

- Make copies
- Distribute copies
- Publicly perform the work
- Publicly display the work
- Publicly perform by transmission (for audio works)

Copyrighted works can be used by gaining permission from the copyright owner or by one of the exemptions in the copyright law (§107-128).

The person using reproduction equipment is responsible for any infringement.

Fair Use:

Copyrighted works can be used under Fair Use (17 U.S. Code § 107). Fair use is the balancing of four factors.

1. Purpose of the use (educational or commercial)
2. Nature of the work (the more creative the more protected)
3. Amount (using the “heart of the work”)
4. Effect on the market (decline in profits)

This is a balancing test and not one factor is dispositive.

The more transformative the purpose in using a copyrighted work the more likely the use will be covered under Fair Use. For example, parody is well protected.

Three questions to consider in transformative fair use”

1. Will the incorporation of copyrighted material into my new work help me make my point?
2. Will the incorporation of copyrighted material help my readers/viewers get that point?
3. Have I used no more than necessary to make the point?

Classroom Use

Using copyrighted material is not infringement if the “performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the

performance knew or had reason to believe was not lawfully made” (17 U.S. Code § 110(1))

Teach Act

17 U.S. Code § 110(1) only applies to face-to-face teaching. The TEACH Act, or “Technology, Education, and Copyright Harmonization Act of 2002,” amended the 17 U.S. Code § 110(2) to allow copyrighted materials to be used for online digital courses that have a closed group of registered students and the material shared is lawfully made.

DMCA

Digital Millennium Copyright Act (DMCS) of 1998 created steeper penalties for creating unlawful copies of software and other technologies. It also limited the liability of Internet Service Providers.. DMCA increased copyright protection for images and other works on the Internet.

Creative Commons

Creative Commons is a copyright alternative that grants licenses for use of work. A creator can issue a Creative Commons license which prescribes how a work can be used without asking permission of the creator, Creative Commons work is indicated by “CC-BY” notification.

Public Domain

Copyright is not intended to last forever. Works in the public domain are not subject to copyright. Public domain works have expired copyrights or the copyrights have been forfeited.