

## Copyright Infringement Policy

Laurus College is committed to compliance with the United States Copyright Revision Act of 1976, as amended, regarding to the reproduction and use of copyrighted materials. All members of the Laurus College learning community are subject to this policy.

- All students, staff, and faculty of Laurus College must adhere to the provisions of the U.S. Copyright Act of 1976, Title 17, United States Code, Section 101, et. seq. (the “Copyright Act”).
- Laurus College does not permit the unauthorized duplication or use of protected works in any form. This includes the unauthorized use or distribution of copyrighted materials, unauthorized peer-to-peer file sharing, and legal downloading of copyrighted materials.
- Laurus College encourages its faculty and staff to engage in a wide variety of activities related to education and to respects the legal right to intellectual and creative property in all media. Such educational activities must therefore be performed within the bounds of copyright law.
- Students and employees who willfully disregard this copyright policy and the applicable laws are subject to sanctions from the College, which can include disciplinary action up to termination of enrollment and employment.
- Students and employees must be aware that a violation of copyright laws can also result in civil and criminal penalties and monetary liabilities. Depending on the type, duration, and severity of a violation, the penalty for copyright infringement can be severe. Such penalties include injunctions, impoundment of infringing materials, the destruction of infringing materials, the relinquishment of the infringer’s profits, actual damages, statutory damages, and costs and attorneys’ fees. **Because of the potential for civil and criminal liability, it is important to exercise caution before using or reproducing any copyrightable materials.**
- Where guidance regarding of copyright ownership or infringement is needed, employees of Laurus College should contact the Chancellor for further guidance and students should contact their course instructor.

## Overview of Federal Copyright Law

**Note:** The following is a brief overview of federal copyright law. *This section does not constitute legal advice.* Any questions regarding copyright law should be directed to [\_\_\_\_] or a licensed attorney.

1. Copyright Ownership and Subject Matter
  - Copyright law gives an author the exclusive right to reproduce, distribute, publicly display, publicly perform, broadcast, and make derivatives of his or her “original work of authorship,” or “work.” Copyright protection is available to published and unpublished works. Certain uses of another’s work require prior permission of the copyright owner, while other uses are exempted by provisions contained in the Copyright Act.
  - Copyright protection extends to original works of authorship fixed in any tangible medium, including literary works, musical works, dramatic works, pantomimes,

choreographic works, pictorial works, graphic works, sculptural works, motion pictures and other audiovisual works, sound recordings, and architectural works.

- Copyright protection does not generally cover works in the public domain, ideas, procedures, processes, systems, methods of operation, concepts, principles, discoveries, or works created by the U.S. government.

## 2. Duration of Copyright

- Under current U.S. law, copyright protection for an original work of authorship created on or after January 1, 1978 automatically commences from the moment of its creation until 70 years following the author's death. If a work is authored by more than one individual, copyright protection lasts for 70 years following the death of the last surviving author.
- In cases where the work constitutes a "work made for hire" (i.e., a non-original work prepared by an employee within the scope of his or her employment, or a work made for hire as defined in a duly executed agreement), copyright protection remains in effect for 95 years following the first publication, or for 120 years following its creation, whichever duration is shorter. The same protection periods generally apply to anonymous and pseudonymous works.

## 3. Effect of Copyright Notice

- At one time, works that were published in the United States without copyright notice were considered dedicated to the public domain. However, with the passage of the Berne Convention Implementation Act of 1988, copyright notice is no longer required to obtain or retain certain copyright protections. Therefore, **it is imperative to assume that a work is protected by copyright unless you have a clear basis on which to determine that it is not protected.**

## 4. Fair Use

- The fair-use provision of the Copyright Act allows for limited reproduction and use of copyrighted materials without the copyright holder's prior permission. Fair use purposes for copyrighted work include criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, and research.
- Although certain facets of the fair use doctrine allow for the lawful redistribution of certain copyrighted works in educational contexts, **the law does not exempt copying or use of protected works merely because such acts occur in an educational context.** Instead, determining whether a particular use is a fair use involves a consideration of a number of factors, including but not limited to the following:
  - 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 copyrighted work as a whole.

- The effect of the use upon the potential market for or value of the copyrighted work.
- Recognizing that the fair use doctrine is often difficult to apply; guidelines have been developed to help educators determine whether a particular use is a fair use. These guidelines cover:
  - copying printed materials for use in classrooms;
  - copying or using musical compositions in educational settings; and
  - recording broadcast programs for use in the classroom.

## 5. Other Exceptions

In addition to the uses permitted by fair use, the Copyright Act identifies several other specific scenarios that allowed for the use of copyrighted materials without obtaining prior permission from the copyright owner, including the reproduction of copyrighted materials by libraries and the reproduction of computer software. For complete information about copyright protection, fair use and other exemptions, we highly encourage you to review the Copyright Act