

# **Elyon College Copyright Policy**

- The Elyon College Copyright Policy establishes guidelines regarding the *Fair Use* of copyrighted material, usage of multimedia and copyrighted works in the classrooms, and information regarding the **Digital Millennium Copyright Act**.
- This policy is based upon **United States Copyright Law, Title 17, U.S. Code, 1976**. The copyright law of the United States governs the making of photocopies or other reproductions of copyrighted material.
- This policy applies to all members of the Elyon College community, including faculty, staff, students and alumnae.
- Compliance with this policy is the responsibility of every member of the Elyon College community. This policy has been approved by Faculty Association of Elyon College and by the President of Elyon College.

## **General Information**

Copyright grants to the author or originator the sole and exclusive privilege of creating multiple copies of literary or artistic productions and publishing and selling them. Copyright protection exists for original works in various modes of expression, including:

literary works;  
musical works, including any accompanying words;  
dramatic works, including any accompanying music;  
pantomimes and choreographic work;  
pictorial, graphic, and sculpture work;  
motion pictures and other audiovisual works;  
sound recordings.

## **Copyright Protections and *Fair Use* Principles**

The copyright holder has important and exclusive rights. In general, any usage of copyrighted materials requires permission from, and potentially payment of royalties to, the copyright holder, unless the usage falls within an exemption in the law, such as the [\*Fair Use\*](#) exemption.

The principle of *Fair Use* offers additional access privileges in educational settings, but the fact of a *Fair Use* of a copyrighted work depends upon the circumstances of the usage. When Elyon College community members use a copyrighted work in their teaching or research, they must determine whether they might depend upon the *Fair Use* exemption.

**A proper determination of *Fair Use* requires taking into consideration the following factors:**

1. The purpose and character of the copied material usage (nonprofit, educational, or commercial purposes).
2. The nature of the copyrighted work, with special consideration given to the distinction between a creative work (a musical score or a short story), a material originally developed for classroom consumption (a workbook page or a textbook chapter), and an informational work (photocopies made of a newspaper or newsmagazine column). The latter are more likely to be considered a *Fair Use* than the former ones.
3. The proportion of the larger work that is copied and used in relation to the copyrighted work as a whole.
4. The effect of the usage on the potential market of the copyrighted work. This factor is regarded as the most critical in determining *Fair Use*.

## **Copying Materials for Instructional Usage**

Under certain conditions specified in copyright law, a photocopy or other reproduction is not to be used for any purpose other than private study, scholarship, or research. If a user makes a photocopy or reproduction for purposes in excess of *Fair Use*, that user may be liable for copyright infringement.

- The distribution of the same photocopied materials to students in a class without the publisher's prior permission as a general should not occur every semester.
- Only one copy is distributed for each student, which must become the student's property.
- The materials include a copyright notice on the first page of the portion of material photocopied.
- The students are not assessed any fee beyond the actual cost of the photocopying.
- The amount of material should be reasonable in relation to the total amount of material assigned for one term of a course.
- The effect of copying the material should not be detrimental to the market for the work.
- In general, the library should own at least one copy of the work.

## **General Guidelines for Print and Electronic Reserve**

- One chapter from a book.
- One article from a journal issue or newspaper.
- Multiple excerpts from a single book or journal issue will be accepted only if the total length of the submission is 10% or less of the total length of the book or journal issue.
- A short story, short essay, or short poem.
- A chart, diagram, drawing, graph, cartoon, or picture.

## **Displaying Media on Campus**

Users must secure public performance rights prior to showing a copyrighted work on campus, unless the work was purchased with public performance rights attached. The only exemption to this requirement is for classroom showings.

### **Classroom Showing**

Classroom usage or showing of a copyrighted video (VHS, DVD, Blu-ray) is permissible under the following conditions:

- The usage must be by instructors or by students.
- The usage is part of the curriculum for a specific course and is confined to members in a discrete course or other teaching activity.
- The entire audience is involved with the teaching activity.
- The showing takes place in a classroom or other instructional venue.
- The video is lawfully made; the person responsible has no reason to believe that the video was not lawfully made.

### **Guidelines for Using Multimedia Sources**

Existing multimedia (music, lyrics, music videos, motion media, photographs, and illustrations) can be incorporated into a student or faculty multimedia project. Students must credit the sources of the copyrighted works, display copyright notice and ownership information, and include notice of usage restrictions.

The amount of the copyrighted work that a student may use in her/his educational multimedia project is restricted by specific portion limitations.

- Copyrighted Music, Lyrics, and Music Videos: up to 10%, but in no event more than 30 seconds.
- Motion Media Work: no more than 3 minutes.
- Photographs and Illustrations: no more than 5 images by an artist or photographer.
- For photographs or illustrations from a published collective work, no more than 10% or 15 images, whichever is less.
- Only two copies of the student educational multimedia project may be made, for reserve and preservation purposes.

### **Digital Millennium Copyright Act**

The Digital Millennium Copyright Act (DMCA) provides an opportunity for Internet service providers (ISP's) to shield themselves from liability for the actions of their users that infringe on the copyrights of others. As an ISP, Elyon College is potentially liable for monetary damages

(plus attorneys' fees) if any of its users provide Internet access to material that infringes on the copyrights of others.

## **Elyon College DMCA Procedures**

If and when the College receives a notice from an agent or the copyright holder, the College will investigate the matter. Following receipt of a proper notification, the College will promptly take down the infringing material or block access to it. The College will promptly notify the user of the College's action. Such notification coupled with the removal of the material shields the College from liability for damages sought for the actions of the user. A member of the Library staff will contact the person responsible for a violation, and discuss the matter.

In cases where a user disputes the accuracy of a claimed infringement, the user may provide a signed, written counter notification (made under the penalty of perjury) to the College.

## **Enforcement and Penalties for Infringement**

Substantial penalties can be imposed for infringement of a copyright. An injunction to stop the infringement is most likely to be the first action. Payment of actual damages for financial loss suffered by the copyright owner may be required. Statutory damages, for which no actual damages need be proved, may be assessed. For an infringement the court may award damages between \$750 and \$30,000. If, according to the court, the infringement was willful, the penalty may be as high as \$150,000 per item.

Elyon College reserves the additional right to enforce violations of this policy. Failure to comply may result in suspension or termination in the case of employees or expulsion in the case of students.

*Office Responsible for this Policy: Elyon College Library*

*This Policy was Updated on August 17, 2023*