

**BURRELL COLLEGE
OF OSTEOPATHIC MEDICINE
POLICY MANUAL**

SECTION: Learning Environment

Policy B5041

TOPIC: Copyright Compliance

Approval Date: 3/31/2020
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POLICY

The College students, faculty and staff shall comply with United States Copyright Law as codified in Title 17, U.S. Code and uphold the lawful use of copyright protected materials for teaching, learning, research or service activities. Such use shall include the application of Fair Use and other exceptions available within the law, as well as compliance with federal legislation such as the Digital Millennium Copyright Act (DMCA) and the No Electronic Theft Act (NET).

RESPONSIBLE OFFICIAL(S):

Office of Compliance

DEFINITION(S):

Copyright: A form of protection provided within federal law (17 U.S.C.) to the authors of original works of authorship, including literary, dramatic musical, artistic, and certain other intellectual works.

Copyright Infringement: The unauthorized use of copyright-protected materials that infringes upon the copyright owner's exclusive rights as provided within the law.

Copyrighted Work: An original work of authorship fixed in any tangible medium of expression.

Digital Millennium Copyright Act (1998): DMCA criminalizes production and dissemination of technology, devices, or services intended to circumvent measures that control access to copyrighted works. It also criminalizes the act of circumventing an access control, whether or not there is actual infringement of copyright itself. In addition, the DMCA heightens the penalties for copyright infringement on the Internet.

Fair Use (17 U.S.C. § 107): This provision of the Copyright Act allows reproduction and other uses of copyrighted works under certain conditions for purposes such as teaching, scholarship and/or research. It is the most flexible copyright law exemption and balances four criteria to determine whether or not a particular use is fair: (1) purpose and character of the use; (2) nature of the copyrighted work; (3) amount and substantiality of the portion used in relation to the work as a whole; and (4) the effect of the use on the value of or potential market for the work.

No Electronic Theft (NET) Act (1997): Amended copyright law and focuses primarily on illegal distribution of intellectual property over the Internet. Under the NET Act, an individual may be found guilty of a federal crime even if acted upon without commercial purpose and no private financial gain was received.

Penalties for Infringement: May be civil or criminal. If found liable for copyright infringement, the infringer may be ordered to pay either actual damages or a range of statutory damages for each infringed work, as well as attorney fees and court costs. Willful copyright violation incurs more severe damages that can include criminal penalties. For more information, please see the web site of the U.S. Copyright Office at www.copyright.gov, and also at www.copyright.gov/help/faq.

PROCEDURES:

1. All reproduction or use of copyrighted materials shall comply with provisions of applicable law. Individuals are responsible for maintaining copyright compliance in good faith and with each intended use.
2. The College Library shall provide general guidance pertaining to copyright and fair use. Issues that are more complex shall require consultation with The College's General Counsel.

3. The College prohibits duplication, distribution, or use of copyrighted materials by students, faculty and staff unless a fair use or other exemption applies, or permission has been obtained from the work's rights holder (which may or may not be the author/creator).
4. The acceptable use of some resources, such as online textbooks and library databases, is established through licensing terms. In these cases, contract law versus copyright law applies and compliance with the contracted terms of use for those resources is similarly required.
5. The College shall provide an opportunity for confidential reporting and shall investigate any allegation of copyright violations.
6. Infringement of copyright law may be considered a violation of the College's Code of Professional Conduct. Anyone found liable for civil and/or criminal copyright infringement may be responsible for any monetary damages suffered by the College due to such violation(s) of this policy or related law or regulation.

CROSS-REFERENCES:

Copyright Act of 1976, Title 17: <https://www.copyright.gov/title17/>

DMCA: <https://www.copyright.gov/legislation/dmca.pdf>

NET: <https://www.govinfo.gov/content/pkg/PLAW-105publ147/pdf/PLAW-105publ147.pdf>

Policy B5001 Code of Professional Conduct

Policy B8550 Intellectual Property

Institutional Guidelines, Copyright: <https://bcomnm.org/copyright-guidelines/>