

Reproduction of Copyrighted Works

The making of an electronic or paper copy of a copyrighted work by any means (photocopying, electronic reproduction, scanning, digitizing, etc.) constitutes reproduction that is governed by copyright law. The copyright principles that apply to the use of copyrighted works in electronic environments are the same as those that apply to such use in paper environments.

The reproduction or copying of a work subject to copyright protection typically requires the permission of the copyright owner. However, the copyright law recognizes that in certain situations, copyrighted work may be reproduced without the copyright owner's consent. One such situation is where the doctrine of "fair use" applies.

The following four factors must be considered for determining "fair use"

- 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
- The effect of the use upon the potential market for or value of the copyrighted work.

The school distributes materials informing the community about the appropriate use of copyrighted materials. This information is included in the student orientation guidelines, on the web site, and displayed on the school bulletin boards.

The Any unauthorized distribution of copyrighted materials will be handled by the Director of the school and a disciplinary hearing may be called.

The school's Internet access is controlled by a firewall which restricts access to only those websites which are on a "safe list". In addition, it prohibits the users from downloading restricted information without the consent of the administrators in charge of the program.

The Operating committee reviews the effectiveness of the plan to combat the unauthorized distribution of copyrighted materials on an outcome basis. A check of a "before and after" comparison of bandwidth, or relapsing into previous problem situations is a way to check on outcomes.

The institution provides an annual notice on a one-to-one basis through a direct notice to each enrolled student. Any student involved in a copyright situation will be referred to the Campus Director and the proper authorities.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws:

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details see title 17, United States Code, Sections 504 and 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ’s at www.copyright.gov/help/faq.