

Policy Title: **COPYRIGHT COMPLIANCE**

Copyright is an area of law that provides creators and distributors of creative works with an incentive to share their works by granting them the right to be compensated when others use those works in certain ways. Specific rights are granted to the creators of creative works in the U.S. Copyright Act (title 17, U.S. Code). If you are not a copyright holder for a particular work, as determined by the law, you must ordinarily obtain copyright permission prior to reusing or reproducing that work. However, there are some specific exceptions in the Copyright Act for certain academic uses, and permission is never required for certain other actions, such as reading or borrowing original literary works or photographs from a library collection.

The use of instructional materials, handouts, course packs, library reserves, photocopies, and all other instructional materials at Fox Valley Technical College must comply with current copyright law and practice. The following points of policy are intended to clarify the College's commitment to following the law and accepted guidelines in acquisition, copying and distribution of print, computer, and audiovisual materials.

- The College and its employees shall, under all circumstances, comply with the law of the United States as it relates to the use of copyrighted materials.
- Under no circumstances shall any employee abridge the laws in duplication, transcription, or copying from copyrighted work.
- It is assumed that all materials are copyrighted and shall be treated as such until proven otherwise.
- Under no circumstances shall any employee use District materials, equipment, or facilities to infringe the copyright law.

Fair Use

A provision for fair use is found in the [Copyright Act at Section 107](#). Under the fair use provision, a reproduction of someone else's copyright-protected work is likely to be considered fair if it is for *limited* use for one of the following purposes: criticism, comment, news reporting, teaching, scholarship and research. If the reproduction is for one of these purposes, a determination as to whether the reproduction is fair use must be made based upon four factors:

1. The purpose and character of use (principally, whether for commercial or nonprofit educational use);
2. The nature of the copyright-protected work (is the work published, unpublished or not released to the public domain, unpublished and non-public works have very limited Fair Use);
3. The amount and substantiality of the portion used (limited/short passages and material not "central" to the work are typically Fair Use); and
4. The effect of the use being evaluated upon the potential market for or value of the copyright-protected work. (i.e. If the work can be purchased or obtained commercially, it is typically NOT considered Fair Use.)

Additionally, repeated use over several terms or courses weighs against fair use, particularly if any of the other criteria are not met. If your use does not meet the above criteria and the work is protected by copyright, you probably need to obtain permission to use the work from the copyright holder or its agent. When in doubt, obtain permission (see www.copyright.gov/fair-use for information regarding potential exceptions for academic use).

How to Obtain Copyright Permission

Permission to use copyright-protected materials, when required, should be obtained prior to using those materials. It is best to obtain permission in writing (including e-mail) and maintain a record of that permission. The time to obtain permission may vary and, where possible, it is recommended to start the permissions procedure at least six months prior to the time that you wish to use the materials. If you need a quicker permission, let the copyright owner know this and he/she may be able to get back to you more quickly.

Once you have identified the materials you want to use and determined that copyright permission is required, you must locate the copyright holder. If the copyright holder is not listed on the work, locating the appropriate person or entity to grant permission may take some investigative work.

There are two primary options for obtaining permission to use the work. You may contact the copyright holder directly or you may contact Copyright Clearance Center (<http://www.copyright.com/>).

Information in your Permission Request

The copyright holder or its agent will require the following information in order to provide you with permission:

- Title of the material
- Creator/author of the material
- Publisher of the material
- Description of material
- ISBN or ISSN, if applicable
- Date of publication, if applicable
- Purpose for which you wish to reproduce the item (research, commercial, educational, etc.)
- How the material is to be reproduced (e.g., photocopied, digitized)
- Where the reproduced material will be used or will appear and for how long

The Center for Instructional Excellence or library staff can assist with copyright clearance questions.

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