

Copyright/File Sharing

The purpose of the College copyright information is to provide educational information that communicates the Copyright Act to students and employees of Central Alabama Community

The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

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

"Fair Use" analysis is based on reasonable efforts by reasonable individuals and, as a result, is sometimes subjective. Educators enjoy some protection from infringement lawsuits because of Section 504(c) (2) of the Copyright Act. This protection is called "the good faith fair use defense" and is based on "a reasonable, good faith determination" by educational employees that their use of copyrighted materials falls under the exceptions for "fair use": i.e., employees, acting within the scope of their employment, who make a reasonable, good faith decisions that their use of copyrighted materials falls under the "Fair Use" doctrine, are protected from statutory damages in court cases that find copyright infringements have occurred if they believe and have reasonable grounds for believing that their use was fair.

Central Alabama Community College students are expected to act responsibly and legally by applying "Fair Use" principles to the completion of their activities and projects. The College does not assume legal responsibility for violations of applicable copyright law. Student employees are subject to all college policies relating to faculty and staff.

Digital Millennium Copyright Act (DMCA)

In 1998, Congress revised copyright provisions to meet the demands of the digital age and to offer certain protections to educational entities that offer online resources, thus qualifying as Online Service Providers (OSPs). More specifically, the DMCA:

1. Prohibits the "circumvention" of "technological protection measures" (e.g., password or form of encryption) used by a copyright holder to restrict access to its material;
2. Prohibits the manufacture or offering of any device or service designed to defeat such protective measures;
3. Makes no change to the "Fair Use" doctrine and expressly states that valuable activities based on the "Fair Use" doctrine (e.g., reverse engineering, security testing, privacy protection, and encryption research) do not constitute illegal "anti-circumvention";
4. Exempts any OSP or carrier of digital information (including libraries) from copyright liability because of the content of a transmission made by a user of the provider's or carrier's system (e.g., the user of a library system or College network);
5. Establishes a mechanism for a provider to avoid copyright infringement liability due to the storage of infringing information on an OSP's own computer system, or the use of "information location tools" and hyperlinks, if the provider acts "expeditiously to remove or disable access to" infringing material identified in a formal notice by the copyright holder.

Title 17 of the U.S. Code and more recently the Digital Millennium Copyright Act, 105 PL 304 also outline that it is illegal to distribute copyrighted music in any form, including digital mp3

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, 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.

In addition, students found to be in violation of copyright laws will be disciplined in accordance with the College Student Code of Conduct found in the College catalog. Employees found to be in violation of copyright laws will be disciplined in accordance with the College *Employee Handbook*.

Legal Alternatives to Illegal Downloading

The College recommends students and employees utilize the information provided by *Educause* at their Legal Source of Online Content site at www.educause.edu/legalcontent to determine legal alternatives to illegal downloading or otherwise acquiring copyrighted material. The site is a regularly maintained and updated list of legal content sources for use by students and employees. Any questions about this information should be directed to the College Copyright Agent.

Copyright and College Web Pages

Web pages hosted by Central Alabama Community College are subject to all copyright policies. Any individual who wishes to post copyrighted materials on his/her web page or a college webpage is advised to secure, in advance, in writing, permission of the copyright holder and provide a copy of that documentation to the College Copyright Agent. Anyone who posts copyrighted materials on his/her web page or a college web page without first securing and providing proof of permission from the copyright holder is individually liable for copyright infractions.

Copyright

Faculty and staff are encouraged to secure copyright permission, a license, or a legal basis for use of someone else's intellectual property without permission before using the material. Instructors involved in distance education may use copyrighted materials that meet the following as prescribed

distance education course. The copyrighted work should not be an entertainment add-on or passive background/optional reading. Enrolled students may post to distance education class pages as long as there is actual supervision by the instructor. Actual supervision does not require prior approval for posting nor does it require real-time or constant presence of the instructor.

Access to software tools provided by the College limits use to the students enrolled in the course, prevents downstream copying by those students, and prevents these students from retaining the works for longer than a “class session.”

Notify students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder through the posting of the message below on all distance education class sites:

The materials on the course website are only for the use of students enrolled in this course for the purposes associated with this course and may not be retained or further disseminated.

Student Works and Copyright

Faculty members should be aware that students own the copyright to their work, including papers and assignments they have completed; therefore, student works are protected by copyright regulations. Faculty should have written permission from the student copyright holder to use his/her works. Any student work that is to be placed on reserve must be accompanied by the written and signed permission of the student to do so (specifying name, contact information, title of