

COPYRIGHT INFRINGEMENT POLICY

POLICY

It is the policy of the College to obey copyright law as it pertains to libraries and to educational material. To be in compliance with U.S. Copyright Law, revised 1976; particularly sections 107 and 108, the 1998 Digital Millennium Copyright Act, Public Law 105-304, the 1998 Sonny Bono Term Extension Act, Public Law 105-298 and the 2002 Technology, Education and Copyright Harmonization Act (TEACH). In distance education: (synchronous and asynchronous), fair use applies; if the faculty has knowledge of copyright law & the institution is non-profit, the institution assumes oversight of copyright & provides copyright information to all users of its system, and the institution employs technology methods to control dissemination of copyright materials.

LIBRARIES

- Can copy an article for private study, scholarship or research, stamped with a copyright warning.
- Can make five interlibrary loan requests per year, per journal, per library. Material over five years old is not subject to guidelines.
- After checking the license agreement, may make an archival copy of software, and other audiovisual formats.
- May interlibrary loan materials provided that loan is not a substitute for a subscription or purchase of such work, the request conforms to section 108 guidelines, and a record is kept of all requests for three complete calendar years plus current year.
- May copy to replace material that has been damaged, lost, stolen or deteriorated if a replacement copy cannot be obtained at a fair price.
- Are not liable for wrongful copying if they display a copyright warning near the copier.
- Can copy without permission; U. S. government documents, items published prior to 1906, and items published prior to 1978 and not copyrighted.

FACULTY, STUDENTS, BLESSING HEALTH SYSTEM EMPLOYEES, AND PHYSICIANS

- Have a legal right to photocopy for personal files, cite on a bibliography, and discuss orally or in print.
- If in doubt, permission should be requested from the publisher or The Copyright Clearance Center (CCC) to reproduce a work for classroom use.
- Multiple copies can be made (not to exceed one copy per pupil per course) if the copying meets the tests of brevity (work is less than 2500 words, 10% of the total, or one chapter), spontaneity (the instructor makes the decision to copy), and the cumulative effect test. The cumulative effect test means: copying only once per term from a periodical or collective work, no more than nine instances of copying per course per term, copying cannot substitute for purchase of books, reprints or periodicals, copying cannot occur with the same item by the same teacher from term to term without asking permission of the copyright holder.