

II-2.030 Copyright

All college-sponsored instruction, activities, events, publications, theatrical or musical performances must be in compliance with federal copyright law (Title 17, U.S. Code). Employees of the college are individually responsible for identifying and obtaining information about copyright requirements, which relate to the performance of their duties, and for conforming to them. Employees who do not adhere to copyright requirements are acting beyond the scope of their employment, and may be subject to disciplinary action or dismissal. In order to assist employees in complying with the copyright law, the college maintains guidelines and procedures on the copyright law and its application.

Procedure:

1. The college provides guidelines to assist employees in complying with copyright law. The guidelines summarize explanatory materials readily available to the public that discuss the application of fair use principles in greater detail. They do not purport to provide legal advice, but only aid in identifying reasonable conduct in accordance with the principle of fair use. They do not insure that a court would interpret a particular use as acceptable. No liability is assumed by GTCC for the opinions and information presented.
2. Guidelines to assist employees in complying with copyright law are available on the campus network and from appropriate areas (library, bookstore, audiovisual department, duplicating center) for the following applications. Forms included in the guidelines must be used as the guidelines indicate.
 - a. Audiovisual programming.
 - b. Bookstore.
 - c. Classroom copying.
 - d. Computer software.
 - e. Duplicating center.
 - f. Interlibrary loan.
 - g. Internet.
 - h. Library reserves.

- i. Multimedia fair use.
- j. Music and theatrical performance.

Many of the decisions which instructors and others make regarding use and/or reproduction of material must be made by the individual, without a practical means for review. Therefore, each employee is responsible for adhering to copyright law and for seeking appropriate legal advice when questions arise.

3. Fair Use.

a. Copyright law begins with the premise that the copyright owner has exclusive rights to many uses of a protected work, notably rights to reproduce, distribute, make derivative works, and publicly display or perform the work. Key statutes make specific allowance for concerns such as distance learning, backup copies of software, and some reproductions made by libraries. The best-known and most important exception to owners' rights is fair use, which is not an infringement of copyright. Section 107 of the Copyright Act of 1976 cites four factors to be considered in determining fair use:

- 1) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
- 2) The nature of the copyrighted work (such as whether published or unpublished, fiction or nonfiction, commercial audiovisual or printed work, consumable or not consumable).
- 3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole. Both length (amount) of the excerpt and how important the excerpt is to summarizing the creative essence of the work are important.
- 4) The effect of the use upon the potential market for or value of the copyrighted work.

b. Since all four of the factors may enter in to any determination by a court of whether fair use has been violated, there is no binding formula that will always apply. Examples of court deliberations and conclusions are available from many sources. GTCC guidelines summarize some of these examples, and cannot be considered to be definitive.

4. See Internet Use Policy (I-1.081) and Web Page rule.

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