

Copyright Use Policy

Policy:

Introduction

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The goal of this policy is to provide relevant, common sense guidelines to help faculty, students, and staff exercise their rights to use information in the furtherance of their education and research, while remaining within the legal parameters of existing copyright law. Dickinson supports the appropriate use of legal exceptions to copyright, with the expectation that each faculty member, staff member and student will respect copyright and act in good faith to comply with current copyright law and the College Copyright Use Policy. The College urges everyone at Dickinson to recognize that copyright law can be complicated, and to seek guidance when appropriate. This policy is not a substitute for advice on particular cases or situations and users are encouraged to seek help when this policy does not provide the answer needed.

Works protected by U.S. copyright law

Users of works authored, created, or performed by others are responsible for determining if those works are currently protected by copyright law and must limit their use of such works to uses permitted under copyright law. Copyright protection is afforded to both published and unpublished works. While one cannot copyright an idea, the creative expression of an idea may be copyrighted. A copyright symbol or registration is NOT required for a work to be protected by copyright law. Determining the duration of copyright protection is complicated. The period of protection varies greatly depending on the nature of the work protected, when a work was first copyrighted and the actions of a copyright holder in renewing or maintaining copyright protection as permitted by law. It is safest to assume a work is subject to copyright protection until you are able to verify that it is not. Works that are no longer protected by copyright are considered to be in the “public domain” with the copyright holder’s rights having been extinguished by operation of law in favor of the benefits to society created by access to the work on a broad basis. Most, but not all, U.S. federal government documents are in the “public domain” and not subject to copyright. However, non-federal government documents, such as state and local government documents, may be copyrighted.

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“Fair Use”

In keeping with the original spirit of the purpose of copyright law (to promote the progress of science and the useful arts), the law contains specific exceptions to requiring the consent of the copyright holder before a work may be used in the educational context. This is called the “fair use” exception to copyrights (17 U.S.C. §107). However, it is a

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license granted by the copyright holder to a third party to use or permit the further use of the copyrighted work. Examples include licensed Library databases and LIS distributed software.

College Response to Copyright Violations

Violations can occur by illegal reproduction, distribution, performance, or public display of copyrighted works or portions of copyrighted works, or by the production of derivative works which are not deemed sufficiently transformative to constitute a new, original work. Upon becoming aware of a copyright violation, the College will take immediate and appropriate action to stop the violation.

