

Colorado Heights University Copyright Policy

November 2011

Colorado Heights University recognizes U.S. law (title 17, *U.S. Code*) relevant to copyright, which grants authors, publishers, and creators control over the copying, distribution, and performance of their original works. Colorado Heights University recognizes the importance of the Fair Use doctrine. All staff, faculty, students and others executing any compensated (or uncompensated) work/service for CHU shall be responsible for acquainting themselves with its provisions so that minimum permissible conduct guidelines are followed.

Description of Copyright

U.S. Copyright Law states that at instant of creation, a work is copyrighted when entered in tangible expression medium for more than a transitory period. Author is provided exclusive rights to execute or authorize: reproduction of copyrighted work; derivative work preparation; public distribution of derivative copies; public performance of copyrighted work; public display of copyrighted work; publicly perform digital audio transmission of copyrighted sound recordings.

Fair Use

The doctrine of "Fair Use" (section 107, U.S. copyright law) in limited situations permits the use of a copyrighted work, including reproducing portions of that work, without the copyright owner's permission. Section 107 of the Copyright Act establishes four basic factors to be examined in determining whether a use constitutes a "Fair Use" under the copyright law. These factors are:

- a) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- b) The nature of the copyrighted work;
- c) The amount and substantiality of the portion of the work used in relation to the copyrighted work as a whole;
- d) The effect of the use in question upon the potential market for or value of the copyrighted work

Willful fair use infringements carry significant statutory damages. Exemptions to fair use are determined case-by-case. Exemptions allow limited reproduction for criticism, comment, news reporting, research and teaching (multiple copies can be made for classroom use).

No factor is determinative of a person's right to use a copyrighted work without permission. Not for profit, educational use alone is singularly insufficient to make use in question a fair one.

CHU assumes no responsibility of any kind for independent decisions faculty, staff or student make that fail to meet terms of the Copyright Act and/or CHU Copyright Policy.

Digital Millenium Copyright Act

Without first obtaining author permission, any copying, displaying, distributing, performing or exhibiting of copyrighted works retrieved from, or placed on, Internet, may be copyright violation., All members of the CHU community using CHU equipment and Internet services are responsible for copyright law compliance. CHU will utilize provisions of the Digital Media Millenium Copyright Act, 17 U.S.C 512 (3) to remove or disable access to any activity in violation.

CHU may also terminate network access privileges to persons who willfully and/or intentionally violate copyright laws. Said policy applies to all users of CHU-provided computer networking services.

Software Licensing and Copyright

CHU purchases and provides software for classroom, lab and office use. Titles are licensed solely for CHU-related use. Software can never be copied for personal use or use on machines other than those of original installation. Installing, on a personal computer, any software purchased by CHU is prohibited.

Common Usage Examples and Violations

Print Resources

A. For scholarly research, use in teaching or preparing to teach a class, or placing on reserve in the library, faculty may make a single copy of any of the following:

- chapter from a book
- article from periodical or newspaper
- short story or essay
- short poem
- chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper

B. For classroom use, faculty may make multiple copies (not more than one copy per student enrolled in course) of the following materials

- illustration - one chart, graph, diagram, drawing, cartoon or picture per book or periodical issue
- prose - complete article, story or essay of fewer than 2500 words; a 1000 word excerpt, or 10% of a longer work
- poem - complete poem if fewer than 250 words and printed on not more than two pages, or an excerpt from a longer poem not to exceed 250 words

C. Faculty may execute the above if

- copyright notice is included
- time to await permission is unavailable
- material is utilized for only one course at a particular institution

D. Photocopying as substitute for purchase of materials is prohibited

Digital and Other Media

Viewing of copyrighted work without prior permission is infringement:

- copying a movie in DVD or other format for sharing
- extracting segments from television programs, movies, home videos, documentaries poses risk; most works still are copyrighted and permission from copyrighted owner should be sought. Licensing fees often are involved
- sharing digital movies, music and other media using applications such as Google Chat and Windows Live
- sharing files with intention of illegal downloading of music, games, movies and other media
- use of CHU network resources, email or web pages for transfer of copyrighted material including text, software, audio, video and images constitutes infringement

Please see Dean of Learning Resources and Services (Library 202) for questions, clarifications and assistance with permissions