



Policy: Copyright

Approved by the Board of Trustees – May 22, 2019

Westmoreland County Community College will adhere to the provision of the U.S. copyright law (Title 17, United States Code, Section 101 et. seq.), including the Digital Millennium Copyright Act (DCMA) and the Technology Education and Copyright Harmonization Act (TEACH Act), and other federal copyright laws as they are adopted. Students are required to comply with all local, state, federal, and international copyright laws, and with college policies regarding the use of copyright-protected materials at Westmoreland. Whenever copyright protected works are used and fair use does not clearly apply, Westmoreland requires students to obtain written permission from the copyright owner. Downloading, uploading or transmitting files containing copyright protected works without the permission of the copyright owner is prohibited by Westmoreland policy- a violation of which may subject an infringer to Westmoreland disciplinary action, is illegal, infringes the copyright owner's rights, and may result in legal liability for the infringer and the Westmoreland.

Copyright Policy and the Law

Copyright protection subsists, in accordance with United States Copyright Law, 17 U.S.C. 101–1332, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

1. Literary works;
2. Musical works, including any accompanying words;
3. Dramatic works, including any accompanying music;
4. Pantomimes and choreographic works;
5. Pictorial, graphic, and sculptural works;
6. Motion pictures and other audiovisual works;
7. Sound recordings; and
8. Architectural works.

In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

17 U.S.C. 102

Fair Use

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by 17 U.S.C. 106, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. The following factors shall be considered in determining fair use:

1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

17 U.S.C. 107

Guidelines as Outline in the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions"

The purpose of the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" and "Guidelines for Educational Uses of Music" is to state the minimum and not the maximum standards of educational fair use under 17 U.S.C 107. The guidelines are not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107. There may be instances in which copying that does not fall within the guidelines may nonetheless be permitted under the criteria of fair use.

Prohibited Use

Fair use guidelines exempt, the following are prohibited actions:

1. Copying of print materials and sheet music to create or replace or substitute for anthologies, compilations, or collective works. This prohibition against replacement or substitution applies whether copies of various works or excerpts are accumulated, or reproduced and used separately.
2. The use of its technology systems, including, without limitation, use of its website, email system, intranet, digital studios, computer labs, and bulletin board systems ("Technology Resources") in connection with illegal activities, including such activities as circumvention of access control or copy protection technology, unauthorized file sharing, or other methods of downloading, copying, distributing, or sharing copyright-protected works without the permission of the copyright owner, or in connection with making copyright protected materials available for downloading, copying, distributing, or sharing by others without the permission of the copyright owner.
3. Copying of or from works intended to be "consumable" in the course of study or teaching. These works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.

4. Copying without inclusion of the copyright notice that appears on the printed copy.

Copyright Infringement

Anyone who violates any of the exclusive rights of the copyright owner or of the author as provided in 17 U.S.C. 106A(a) is an infringer of the copyright or right of the author. The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of 17 U.S.C. 411, to institute an action for any infringement of that particular right committed while he or she is the owner of it. *17 U.S.C. 501(a)–(b)*

Westmoreland has the right, but not the obligation, to monitor and review any use of the Technology Resources. Westmoreland may monitor user IDs and passwords used to access the Technology Resources, may review information stored or sent using the Technology Resources (including emails and attached files), and may remove and save a copy of such information in Westmoreland's sole discretion.

Westmoreland may utilize technological methods such as traffic shaping, content filtering, or user tracking to identify, block, and/or thwart activities deemed in Westmoreland's sole discretion to be potentially illegal or necessary to conserve the Technology Resources or manage their usage. Westmoreland may retain copies of any information stored on or sent using Westmoreland's Technology Resources, even if the originator of such information deleted such information.

Westmoreland reserves the right to restrict or terminate user access to the Technology Systems or to disable a user ID and/or password at any time without notice if Westmoreland believes that the user has violated this policy, or any state or federal law. Westmoreland reserves the right at all times to disclose, without notice to the user, any information necessary to satisfy any applicable law, regulation, legal process or governmental request, or to edit, refuse to post or to remove any information or materials, in whole or in part, in Westmoreland's sole discretion if Westmoreland believes a user has violated any of portion of this policy or any other Westmoreland policies or guidelines.

Westmoreland investigates notices of copyright infringement submitted to Westmoreland's designated copyright agent and takes appropriate actions under the DMCA, including removal of infringing materials from the Westmoreland website. Students are responsible for reading, understanding, and personally complying with this policy and all other Information Technologies policies set forth in the Student Handbook. Students who violate Westmoreland's policies are subject to disciplinary action by the College, which may include termination of access to the Technology Systems, disciplinary probation, suspension, and dismissal from Westmoreland, as further provided in Westmoreland's student policies. In addition, a student may face personal legal liability, including civil and criminal penalties for infringement of copyright and other intellectual property laws, which may include injunctions restraining infringing activities, monetary damages, prison time, attorney's fees, and court costs.

References:

Copyright Law and Regulations: <http://www.copyright.gov/laws/>

Possible Replacement: <https://www.copyright.gov/title17/>

Fair Use: <http://www.copyright.gov/fls/fl102.html> Possible Replacement:
<https://www.copyright.gov/fair-use/>

Digital Millennium Copyright Act: <http://www.copyright.gov/legislation/dmca.pdf> Digital Download
and Copyrights including Online File Sharing:
<http://www.usa.gov/topics/science/communications/internet/file-sharing.shtml>

Possible replacement: <https://www.copyright.gov/help/faq/faq-digital.html>