404 COPYRIGHT POLICY

Warren County Community College shall comply with the 1976 Copyright Act through the following guidelines and standards of educational fair use as specified under Section 107 of H.R. 2223.

The Copyright Act lists the following four factors that must be considered in determining whether a particular use falls under the "fair use defense":

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;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for, or value of, the copyrighted work.

404.1 GUIDELINES FOR CLASSROOM COPYING WITH RESPECT TO BOOKS AND PERIODICALS

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

A. A chapter from a book;
B. An article from a periodical or newspaper;
C. A short story, short essay or short poem, whether or not from a collective work;
D. A chart, graph, diagram, drawing, cartoon picture from a book, periodical, or newspaper;

II. Multiple Copies for Student Learning Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for student learning use or discussion; provided that the following three criteria are met:

A. The copying meets the tests of brevity and spontaneity as defined below;
B. Meets the cumulative effect test as defined below; and,
C. Each copy includes a notice of copyright

DEFINITIONS:

Brevity:

1. Poetry
    a. A complete poem if less than 250 words and if printed on not more than two pages or,
    b. From a longer poem, an excerpt of not more than 250 words.

2. Prose
    a. Either a complete article, story or essay of less than 2,500 words, or

b. An excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in 1 and 2 above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

3. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

4. "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety.

   Paragraph 2 above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity:

1. The copying is at the instance and inspiration of the individual teacher, and
2. The moment of its use for maximum teaching effectiveness is so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect:

1. The copying of the material is for only one course in the school in which the copies are made.

2. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

3. There shall not be more than nine (9) instances of such multiple copying for one course during one class term.

   [The limitations stated in 2 and 3 above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

III. PROHIBITIONS TO I AND II ABOVE

Notwithstanding any of the above, the following shall be prohibited:

A. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

C. Copying shall not:
   1. Substitute for the purchase of books, publishers' reprints or periodicals;
   2. Be directed by higher authority;
   3. Be repeated with respect to the same item by the same teacher from term to term; and
   4. No charge shall be made to the student beyond the actual cost of the photocopying.

404.2 GUIDELINES FOR CLASSROOM COPYING WITH RESPECT TO MULTIMEDIA WORKS

Only two (2) copies of an educational multimedia project may be made, only one (1) of which may be placed on reserve. An additional, third copy, may be made for preservation purposes, but may only be used or copied to replace a copy that has been lost, stolen, or damaged. If an educational multimedia project is created by two or more people, each creator may retain one copy for the educational purposes described in the proposed guidelines. Permission is required for uses that are commercial or go beyond the limitations of the proposed guidelines. Fair Use status expires two years after the first instructional use of a particular multimedia product.

Multimedia products should contain an opening screen notice that credits the sources, displays the copyright notice and copyright ownership information if shown in the original source. Crediting the source must adequately identify the source of the work, giving a full bibliographic description where available. The copyright notice includes the word "Copyright" or the copyright symbol, the name of the copyright holder, and the year of first publication. Any alterations of copyrighted items must be noted.

There are quantitative portion limitations that specify how much of copyright protected sources may be included in multimedia products prepared by students or faculty for course-related work. Use of larger portions requires permission from copyright owners.

1. Text
   Up to 10% or 1000 words of a source, whichever is less. For example, one may use an entire poem of less than 250 words, but no more than 3 poems by one poet or 5 poems by different poets from the same anthology.

2. Music, Lyrics, Music Video
   Up to 10% but not more than 30 seconds total from an individual work

3. Motion Media
   Up to 10% or 3 minutes of a source, whichever is less, of a copyrighted motion media work, such as an animation, video, or film image.

4. Illustrations, Photographs
   No more than 5 images by one artist or photographer. No more than 10% or 15 images, whichever is less, from any single published work.

5. Numerical Data Sets
   Up to 10% or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table.

6. Internet Sources
   Though it can be difficult to determine what is copyright protected and what is in the public domain, the multimedia creator is responsible for adhering to copyright law.

7. Opening screen notice
   "Certain materials are included under the fair use exemption of U.S. Copyright Law and have been prepared according to the educational multimedia fair use guidelines and are restricted from further use."

If the copying does not clearly qualify as fair use, taking into account the four fair use factors as well as the Guidelines, one can obtain permission for copying by contacting the publisher/copyright holder directly. Requests for permission to copy portions of books, journals or other periodicals should be directed to the Permissions Department of the publisher/copyright holder. If your request for permission is denied or if the copyright holder imposes conditions that you are unwilling to meet, the most prudent course would be not to use the requested material.

404.3 USE OF PEER-TO-PEER ("P2P) PROGRAMS OR NETWORKSTO DOWNLOAD COPYRIGHTED MATERIALS

Peer-to-peer file sharing is an information technology protocol that allows peer-to-peer file sharing that is used to distribute large amounts of data over the Internet. Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under Section 106 of the Copyright Act. These rights include the right to reproduce or distribute a copyrighted work. The use of P2P programs or networks to download copyrighted material on the WCCC campus is considered a violation of the College's technology, code of conduct and copyright policies. Individuals who illegally download materials shall be subject to discipline by the College in addition to any externally imposed legal penalties. Below are examples of P2P programs or networks that allow users to exchange and share files:

1. Ares Galexy
2. BitComet
3. BitTorrent
4. eMule
5. Freenet
6. FrostWire
7. Gnutella
8. Retroshare
9. Tribler
10. uTorrent
11. Vuze

404.4 SUMMARY OF CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF FEDERAL COPYRIGHT LAWS

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright

infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than $750 and not more than $30,000 per work infringed. For "willful" infringement, a court may award up to $150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to $250,000 per offense.

For more information, please see the website of the U.S. Copyright Office at www.copyright.gov.

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