

Jamestown Community College (JCC), an institution in the State University of New York system, expects its students, faculty, staff and affiliates to comply with U.S. copyright laws. JCC reserves the right to remove or limit access to material posted on College-owned computers if it is alleged that U.S. copyright laws have been violated. If the College determines that U.S. copyright laws have in fact been violated, the infringing material will be permanently removed.

Penalties for copyright infringement: The Copyright Act provides for both civil and criminal liability for acts of copyright infringement.

Criminal Infringement.—

(1) **In general.**— Any person who willfully infringes a copyright shall be punished as provided under section [2319](#) of title [18](#), if the infringement was committed—

- (A) for purposes of commercial advantage or private financial gain;
- (B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than \$1,000; or
- (C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution. 17 U.S.C. § 506(a).

The penalties for criminal infringement are determined by the extent of infringement, e.g. the number of copies made, or the value of the material infringed. They range from a misdemeanor penalty of up to one year imprisonment and/or a fine up to \$25,000 for individuals, to a felony penalty of up to 5 years imprisonment and/or a fine of up to \$250,000 for individuals and \$500,000 for organizations. 18 U.S.C. § 2319

Copyright for Classroom Instructors:

The Copyright Act of 1976 contains a “Fair Use” provision which allows educators to use copyrighted material in their classroom. There are four factors which must be met in order to qualify as “Fair Use” of the material. See : U.S. Copyright Office. *Fair Use*. <http://www.copyright.gov/fls/fl102.html> and [Limitations on exclusive rights: Fair use](#). Those qualifications are:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit 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
4. The effect of the use upon the potential market for or value of the copyrighted work

The practical translations of these four factors are:

1. The purpose of the material must be strictly for educational use
2. The material must be a published work (and *not* consumable such as workbook pages)
3. The material must be a *portion* of the original work, such as a chapter in a book or an article from a periodical or newspaper
4. The material must be from an original work legally obtained or purchased and a *limited* number of copies made, such as for one class

In addition, instructors may also meet the test of spontaneity and brevity. For example, if an instructor finds an article appropriate to something being taught in the classroom, and there is not enough time to get permission from the copyright owner, he/she may make copies as are necessary to instruct the class. Likewise, only a portion of a work may be copied and the copied material be used for only *one* semester. Instructors who intend to use the material for more than one semester, must obtain permission from the copyright owner.

Exceptions to the Copyright Law:

Some materials are not protected by copyright. For example: ideas, facts, U.S. government works, works for which copyright has expired, works in the public domain, and live performances which are not "fixed."

Links to copyright sites:

The University of North Carolina at Chapel Hill maintains a copy of the [*Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals*](#), published in House Report 94-1476. This agreement was between the Ad Hoc Committee on Copyright Law Revision, the Author-Publisher Group, the Authors League of America and the Association of American Publishers.

The Library of Congress.
[U.S. Copyright Law.](#)

Copyright & Fair Use
Stanford University Libraries
<http://fairuse.stanford.edu/>

Copyright: an overview
Cornell Legal Information Institute
<http://www.law.cornell.edu/topics/copyright.html>

Copyright Crash Course
University of Texas at Austin
<http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>

Copyright Management Center
Indiana University
<http://www.copyright.iupui.edu/>

Copyright Resources

Health Sciences Library - University at Buffalo.

http://libweb.lib.buffalo.edu/dokuwiki/hslwiki/doku.php?id=copyright_resources

Regents Guide to Understanding Copyright & Educational Fair Use

University System of Georgia

<http://www.usg.edu/admin/legal/copyright/>

Scholarly Communication Center

North Carolina State University

<http://www.lib.ncsu.edu/scc/index.html>

Technology, Education, and Copyright Harmonization (TEACH) Act

Copyright Management Center

Indiana Univeristy

http://www.copyright.iupui.edu/dist_learning.htm

Disclaimer: