

## WEST VIRGINIA NORTHERN COMMUNITY COLLEGE COPYRIGHT COMPLIANCE

### LEGAL FOUNDATION: UNITED STATES CODE – TITLE 17

**POLICY:** U.S. Copyright law governs the making of photocopies or other reproductions of copyrighted material. All original works fixed in a tangible form of expression (books, articles, pictures, computer programs, motion pictures, music, sound recordings, or other audiovisual works) are automatically covered by copyright unless it is explicitly noted to the contrary. Copyright grants the author or originator the sole and exclusive privilege of all rights to the copying of this material. West Virginia Northern Community College (WVNCC) does not condone or tolerate the unauthorized copying of copyrighted materials. The College shall adhere to and comply with all copyright laws and expects all individuals employed at the College, enrolled at the College, and/or using the facilities or resources of the College shall do the same.

The U. S. Copyright Law (Title 17, United States Code, and Section 107) allows copyrighted works to be used without securing permission from the copyright owner by observing a “fair use” of the material. These “fair use” provisions shall be the determining factor in deciding within the institution whether or not usage of a particular item is in copyright compliance.

“Fair use” extends to the reproduction of copyrighted material for purposes such as criticism, comment, news reporting, teaching, scholarship or research. The following four factors are to be used to determine the “fair use” of a copyrighted item in a case- by-case evaluation:

1. The purpose and character of use, including whether the material is used for nonprofit educational purposes rather than commercial gain.
2. The nature of the copyrighted work – factual or nonfiction; fiction or highly creative
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

For uses of copyright materials outside the scope of fair use, permission must be obtained from the copyright author or holder. It is best to obtain the permission in writing (including email). Copyright infringement will not be tolerated and disciplinary action as deemed necessary will be taken.

#### Fair use in Distance Education

- The copyrighted work can be used for one semester without permission. The work must be removed at the end of the semester unless you have asked for and received permission. Re-using the same work in same format and context semester after semester is considered copyright infringement.
- The copyrighted media must be located in a password protected area (Blackboard) that is accessible only by students enrolled in the class. This rule applies regardless of permissions and applies to any media for which the college or faculty claim as Fair Use.
- A percentage of the complete work may be used without permission. The general rule for a long work (film or video) is no more than 10% of the total work. For a shorter piece of work such as music, no more than 30 seconds should be used. The restriction for using printed work

is also 10% of the completed work. A good rule of thumb would be one chapter in a book, one article in a journal, one poem, etc.