

Policy Governing Access to and Use of Copyrighted Works

In an era increasingly defined by exponential advances in technology by which intellectual property may be disseminated with increasing ease, the County College of Morris (“CCM” or “the College”) expects its students, faculty and staff to restrict use of copyrighted works to uses and applications permissible in an academic setting.

The College maximizes the utility of web-based technologies to advance instruction and study both in the classroom and through remote learning opportunities. However, students and faculty must remain mindful that improper use or dissemination of copyrighted work can lead to substantial liability. Accordingly, the College requires that all faculty, administrators, students, employees and members of the CCM family maintain a good faith observance of the principles of copyright law and adhere to the requirements of the Copyright Act of 1976, 17 U.S.C. §§ 101-810 (the “Act”).

BlackBoard Compliance Declaration:

By accessing Blackboard, I certify that I am a CCM student, instructor, faculty member, employee or other user authorized by CCM to access Blackboard. I acknowledge and agree that my access to Blackboard, including any posting or downloading of content is governed by federal copyright law and the terms of this Declaration. Any copyrighted material(s) that I upload to, download from, or otherwise access or make available on Blackboard, whether visual, audio-visual, or auidial in nature, shall be for use solely by CCM students, faculty or other authorized users. My use shall be for purposes directly related to a regularly scheduled CCM course of study and may not be used or disseminated for any other purpose. Access to copyrighted materials posted on, uploaded to or otherwise made accessible to CCM users of the Blackboard system shall expire at the conclusion of the course to which the material corresponds.

Addenda to CCM Copyright Policy

What is copyright?

Pursuant to the 1976 Act, it is no longer necessary for an author or creator to declare that a work is protected by copyright or even to provide notice that a work is protected by copyright. Section 101 of the Copyright Act codifies the factors that indicate whether a work is subject to copyright protection. Section 102 provides examples of the types of works for which a creator is entitled to copyright-protection.

In order to be protected by copyright a work need only be a work of original authorship fixed in a tangible medium. No particular novelty or ingenuity is required. To be “fixed in a tangible medium” means anything that is “sufficiently permanent or stable to permit the work to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration.” Works that are capable of being protected by copyright include catalog and compilations of data; music, including lyrics; dramas and choreography; two-dimensional as well as three-dimensional artwork; sound recording and architecture. Examples of works that cannot be protected by copyright include slogans; common symbols or designs; lists of ingredients; and color schemes. Ideas, plans, methods, or systems are also excluded from copyright protection. However, an original means of expressing plans, methods, or ideas may be protected by copyright. Common information such as sporting schedules and calendars may not be copyrighted.

Copyright protection generally lasts through the life of the creator, plus 70 years. Works created prior to 1922 are in the public domain and are not protected by copyright. Works created between 1922-1963 and published with notice of copyright protection, as was required prior to the 1978 Act, are protected for 28 years plus an additional period of 47 years, with possibility of a 20 year renewal if formally requested. Works created between 1964 and 1977 with notice of copyright are protected for 28 years plus an automatic 67 year renewal.

What is Fair Use?

Section 107 of the Act codifies the concept of Fair Use. The Fair Use doctrine provides that works otherwise protected by copyright may be used for “criticism, comment, new reporting, teaching (including multiple copies for classroom use), scholarship, or research.” Section 107 of the Act recognizes “nonprofit educational purposes”—as opposed to commercial purposes—when considering Fair Use. For example, Fair Use would permit a faculty member to disseminate a portion of a copyrighted work in order to facilitate classroom discussion. However, Section 107 provides that, prior to utilizing copyrighted material in a nonprofit classroom setting, one must additionally consider: the nature of the work; the amount or substantiality of the portion of the work that is being used; and the effect of the “fair use” on the potential market for, or value of, the work. Thus, disseminating a chapter of a book for classroom use would likely be considered permissible at a nonprofit institution like CCM. However, classroom use of an entire textbook that is customarily marketed and sold to pupils of the subject matter would impermissibly have a negative “effect on the potential market for the work.”

This Policy Statement is not intended to present the complete breadth and scope of the Copyright Act, with its many subtitles. Students, faculty, and administrators who seek a comprehensive and broader understanding of what constitutes an original work are advised to follow the links below.

The Copyright Act is available at: <http://copyright.gov/title17/>. Additional information may be accessed at the [FAQ section of the U.S. Copyright Office website](#).

To legally use or share works in any format, you must determine the copyright status of the work, obtain any needed permissions from the copyright holder prior to use, and limit applications to permitted uses.

These resources will help you consider copyright terms, Fair Use, the TEACH Act and any other relevant factors.

Copyright law can be complex. If you have questions, please contact the CCM Library at libref@ccm.edu; librarians cannot give legal advice, but they can assist you in finding resources on copyright issues.

Resources

Copyright Act <http://copyright.gov/title17/>

U.S. Copyright Office FAQ <https://www.copyright.gov/help/faq/>

Copyright Terms and Public Domain

In general, a work should be assumed to be under copyright unless it is in the public domain or is covered by a Creative Commons license or other public copyright license.

When U.S. Works Pass into the Public Domain <https://www.copyright.gov/history/copyright-exhibit/lifecycle/>

Fair Use

The Fair use principle allows for copyrighted material to be used to a limited extent for “transformative” purposes such as commentary, review, criticism or parody, and can allow for limited use of works for educational purposes. Determining whether use of a work may fall under fair use requires evaluating the purpose, nature, amount and effect of the intended use.

Can I Use Someone Else’s Work? Can Someone Else Use Mine?
<https://www.copyright.gov/help/faq/faq-fairuse.html>

TEACH Act

The TEACH Act is a section of the copyright act that pertains to online instruction; it provides some copyright exceptions for the limited transmission of performed or visual works. The TEACH Act exception applies to sharing copyrighted audiovisual materials online for the duration of a class period only, that is, it allows for synchronous use only and does not allow for posting copyrighted AV materials to an online course to be viewed asynchronously.

<https://ogc.yale.edu/ogc/teach-act-guidelines>