



Copyright Duplication Policy

Approved By:	Senior Management Team
Date of Last Revision:	July 31, 2008
Responsible Office/Department:	Library

Policy Statement

It is the policy of Grand Valley State University (hereinafter, University) to follow the United States Copyright Law of 1976, as amended, (Title 17, United States Code, hereinafter, the Copyright Act, which includes the provisions of the TEACH Act). Accordingly, all faculty, staff and students of the University should follow these policy guidelines: Only copyrighted materials are subject to the restrictions in this Policy Statement. Uncopyrighted materials may be copied freely and without restriction.

Policy & Procedures

1. Copyrighted software may be copied without the copyright owner's permission only in accordance with the Copyright Act. Section 117 of the Act permits making an archival back-up copy. Most software, however, is licensed to the user and the terms of the license agreement may give the user permission to make copies of the software in excess of the archival copy permitted by the Copyright Act. Each software license agreement is unique. As a result, the user's rights to copy licensed software beyond that permitted under the Copyright Act may only be determined by reading the user's license agreement. Any copying or reproduction of copyrighted software on University computing equipment must be in accordance with the Copyright Act and the pertinent software license agreement. Further, faculty, staff and students may not use unauthorized copies of software on University-owned computers or networks or computers housed in University facilities.
2. Copyrighted materials may be copied or otherwise used without the copyright owner's permission where such copying constitutes "fair use" under the Copyright Act. The four-factor test of fair use is as follows and each factor must be considered:
 - a. What is the character of use, e.g. educational, non-profit, etc?
 - b. What is the nature of the work to be used, e.g. facts that are published vs. imaginative work that is unpublished?
 - c. How much of the work is to be used?
 - d. If this kind of use were widespread, what effect would it have on the market of the original?

3. In order to copy or otherwise use materials, including software, where (a) the materials are copyrighted, (b) use exceeds what is permitted by license, and (c) the four factor fair use test indicates that the use is likely not fair, permission should be obtained from the copyright owner.
4. The University will determine the appropriate methods to provide notice to faculty, staff and students regarding the Copyright Policy and compliance to the Policy and related laws. Faculty should notify their students, in their course syllabus or otherwise, that materials used in connection with the course may be subject to copyright protection.

Frequently Asked Questions

May I use a copy of this in my class?

1. Is it old enough to be in the public domain?
Yes, use it! Published before 1923: it is in the public domain; created 1/1/1978 or later: life of author plus 70 years before it is in the public domain; published 1923-1976: special rules apply. Refer to Copyright Durations.
2. Is it copyrighted?
Yes! Continue to #3 below. The copyright symbol does not need to be present to verify copyrighted work.
3. Does my use qualify as fair use under the Copyright Law?
Need to weigh all four fair use factors listed below and make a reasoned decision.
 - a. Purpose and character of use: teaching, research, scholarship for non-profit educational institution? Will there be restricted access to current students, only? First and last time using this material or 'spontaneous use'?
 - b. Nature of use: published material that is factual or nonfiction based? Not using 'highly creative' work? Not using a consumable item such as a workbook?
 - c. Amount and substantiality of portion used: using a small portion of the whole work? Not using the 'heart of the work'?
 - d. Effect of use: I have a lawfully acquired original? Only one or a few copies will be made from this original? My use will have no significant effect on the market for this work? My use will not be repeated in another class or semester?

4. If the use does not qualify as fair use then permission is needed from the copyright owner for use.

How do I tell if something is copyrighted?

The Copyright Act provides that protection begins at the moment "original works of authorship" are "fixed in a tangible medium of expression".

Registration is not required to be copyright protected.

Look for "Copyright 2003 by (name of author)".

Protected formats: Visual (printed, written, photograph, DVD, video, graphic, sculpture, etc.); Auditory (CD, tape, etc.); and Electronic (internet, world wide web, computerized file, etc.)

Not protected by copyright law: facts, ideas, procedures, processes, systems, concepts or discoveries.

Does "Fair Use" mean that I may copy anything if I only use it in my classroom?

Fair use" means limited use of portions of a copyrighted work without the author/owner's permission for purposes such as criticism, comment, news reporting, teaching, scholarship or research.

To determine Fair Use, all four criteria must be considered:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes, and
2. The nature of the copyrighted work, and
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.

No one of the four factors is determinative of a person's right to reproduce a copyrighted work without permission.

Fair Use generally means one-time use.

May I do any of the following without getting permission from the holder of the copyright?

1. Photocopy?
Yes, provided it is Fair Use.

A single copy may be made by a faculty member or at his or her request for scholarly research or use in teaching or preparing to teach a class, provided a portion of the work is used, such as a chapter from a book, an article from a periodical or newspaper, or a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

Multiple copies (not to exceed more than one copy per student enrolled in a course) may be made by or for a faculty member for classroom use or discussion provided that:

- a. The copying meets the Fair Use test;
- b. The copying includes a notice of copyright;
- c. Is used for that semester only."

If the above is in electronic form, the same would apply.

Download or Upload?
Yes, provided it is Fair Use.

"The ability to duplicate a copyrighted work electronically is fast and easy. However, just because works or images are found on the Internet does not mean they can be electronically copied or printed then copied. The Copyright law applies to works and images in electronic form."

Cut and Paste? Yes, provided it is Fair Use; see response in 3(b).

Put it on Course Reserve? Yes, provided it is Fair Use. The library has established guidelines for what is permissible to be put on Course Reserve.

Link to it via the Web? Linking to another site has not been interpreted, as a reproduction of an author's work, i.e. copyright is not triggered. Therefore, links are permissible.

Use images in PowerPoint presentations? Yes, provided it is Fair Use; see response in 3(b).

What is the TEACH Act and what does it mean to me?

The Technology, Education, and Copyright Harmonization Act of 2002 (TEACH Act) amends the Copyright Act.

1. The TEACH Act recognizes that the physical classroom may also include the electronic classroom and would permit students to access digital materials in a course.
2. Storage of copyrighted materials on a server is permitted by the TEACH Act provided that it is asynchronous use of copyright performances and displays.
3. Digitized versions of works can be made provided they are not available in a digital format. If they are available in digital format, the TEACH Act does not apply and you will need permission of the author or it must meet Fair Use.
4. The TEACH Act allows the display of any work in an amount comparable to that typically displayed in the course of a live classroom setting. The TEACH Act only provides in class "performances or displays. The TEACH Act requires that the performance or display must be technologically limited to only enrolled students in the class. The TEACH Act permits the transmission of an entire NON-dramatic literary or musical work.

May I scan:

1. My course pack and put it into Blackboard?

Yes, provided it is Fair Use or allowed by the TEACH Act.

Caution: one must make sure that all items in the course pack have the approval of the author to copy and/or meet the Fair Use test.

2. A chapter of a book and put it into Blackboard?

Yes, provided that you have permission of the author or it meets the Fair Use test or the TEACH Act.

3. A news article and put it into Blackboard?

Yes, provided that you have permission of the author or it meets the Fair Use test or the TEACH Act.

4. Any of the above and distribute them in class?

The copyright law does not distinguish whether one scans a document and then prints it for distribution or distributes it electronically.

5. Any of the above and re-use every semester in Blackboard or otherwise?

If it is intended for a copyrighted work to be reused in subsequent semesters, the

faculty member is strongly encouraged to seek permission from the copyright holder to be able to reproduce and use on such a basis.

6. May I save and import images from the Web to my web page or PowerPoint presentation?

Yes, provided that you have permission of the author or it meets the Fair Use test or the TEACH Act.

Caution: Because it is easy to import an entire work of the author, the Fair Use test permits only a portion of the work.

7. When may I digitize videos and put them on Blackboard?

Under the TEACH Act, versions of works that are not available in a digital format can be recreated in a digital format.

Use of the digitized video could still be subject to obtaining permission of the author or the Fair Use test if it will be made available in subsequent semesters.

8. May I use images or pages from our class textbook and put them on Blackboard?

Under the TEACH Act, digitized versions of works that are not available in a digital format can be recreated in a digital format.

Use of the digitized images could still be subject to obtaining permission of the author or the Fair Use test if it will be made available in subsequent semesters.

9. May I, or one of my students, upload a sound file to Blackboard?

Under the TEACH Act, a faculty member may upload a dramatic sound file to Blackboard if they have permission of the author or it is Fair Use or it is a NON-dramatic musical work.

If a faculty member is using copyrighted works because they have permission from the author or it is Fair Use or they are transmitting it to another site in a distance education setting.

Under the TEACH Act, a student may upload copyrighted works under the same conditions as a faculty member provided that it "is made by, at the direction of, or under the actual supervision of an instructor."

Caution: Once a semester has concluded, students may no longer access copyrighted works that have been uploaded to Blackboard according to the TEACH Act.

10. May I make copyrighted works, in electronic form, available to persons other than those enrolled in my class?

The TEACH Act provides coverage only for use in a classroom setting for that semester and only to enrolled students.

The TEACH Act provides expansion of the Copyright Act only in the instructional setting at an educational institution.

It is less likely that the Fair Use test can be met in terms of copyrighted works when it is made available beyond the classroom.

11. Do I need any kind of copyright notice in my syllabus or published in Blackboard?

Yes, you should use the following notice in both:

Copyright Notice: Copying, displaying and distributing copyrighted works, may infringe the owner's copyright. Grand Valley State University's Policy on Copyright provides information about whether your use of a copyrighted work is a fair use or requires permission. Any use of computer or duplicating facilities by students, faculty or staff for infringing on the use of copyrighted works is subject to appropriate disciplinary action as well as those civil remedies and criminal penalties provided by federal law.

Contact Information

[Copyright Clearance Center](#)

[Search for the Copyright Holder](#): This website allows you to search for records and locate the proper individual to contact for permissions.

At the homepage, choose Registrations and Documents.

On the next screen, choose the type of material: Book, Music, etc., or, Serials, or, Documents, by clicking on the appropriate tab.

On the next screen, enter the information in the search box.

Depending upon the help that you need, several GVSU offices are ready to assist you:

- [Continuing Education](#), 616-331-7360
- [Educational Technology](#), 616-331-2131
- [Course Reserve](#), 616-331-2617
- [Faculty Teaching & Learning Center](#), 616-331-3498
- [University Counsel Office](#), 616-331-2067