


Effective Date		Date of Revision			Policies, Rules And Regulations
6-21-05					
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UNIVERSITY POLICY STATEMENT

Eastern Michigan University respects the legal right of ownership of intellectual property in all media. Educational use of such property must be performed within the bounds of copyright law. It is the policy of Eastern Michigan University to adhere to the provisions of United States copyright laws, the copyright laws of other countries and copyright licensing arrangements and contracts. This policy is intended to apply broadly to all faculty, administrators, staff, students and any other persons involved in using copyrighted materials in pursuit of University business or activities, or using University facilities, equipment or materials. The University does not support unauthorized duplication in any form. Faculty, administrators, staff, students and others engaged in University related activities, who violate the University's copyright policy and/or the law, do so at their own risk, assume all liability for such violations and may be subject to disciplinary action.

UNIVERSITY PRACTICE

All faculty, administrators, staff, students and others engaged in University-related activities or using University facilities, equipment or materials, shall comply with copyright laws by obtaining permission, when necessary, from the appropriate person or entity, or when allowed, by adhering to the requirements of fair use and other exemptions provided by law.

FAIR USE

The Fair Use doctrine, 17 United States Code §§ 107 and 108, provides for limited use of copyrighted materials for educational and research purposes without obtaining permission from work's owner. Section 107 of 17 U.S.C. states:

§ 107. Limitations on exclusive rights: Fair Use

Notwithstanding the provisions of sections 106 [covering exclusive rights in copyrighted works], and 106A [concerning the rights of certain authors for attribution and integrity], the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- 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;

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- 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.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

The University's Office of Legal Affairs should be consulted whenever there are questions regarding whether the "Fair Use" doctrine is applicable.

DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA)

The president of the University shall designate the person to act as the agent to receive notices of infringement under the Digital Millennium Copyright Act. The designation and the required agent contact information shall be published on the University Web site and registered with the United States Copyright Act as provided by law. The notice published on the University Web site shall include a summary of the requirements for a valid infringement claim as provided in the DMCA.

Procedures under the authority of this policy shall be defined and implemented to comply with the provisions of the DMCA.

TECHNOLOGY, EDUCATION AND COPYRIGHT HARMONIZATION (TEACH) ACT AND DISTANCE EDUCATION

It is the intention of the University to comply with the provisions of the Technology, Education and Copyright Harmonization Act, the TEACH act of November 2, 2002 amending §110 of Title 17 U.S.C.

Procedures under the authority of this policy shall be defined and implemented:

- A. Provide copyright informational materials to accurately describe and promote compliance with the copyright laws of the United States. These materials shall be provided to faculty, administrators, staff and students. The materials may be printed or online, or both.
- B. Provide notice to students in addition to notices in general informational material that materials used in a given course may be subject to copyright protection. The notice shall be given in the distribution materials for a course, and on or within online portions of a course, such as a Web site used in distance education.
- C. Regulate the electronic distribution and transmission of the content of course materials to only those students officially enrolled in the course for which transmission is made.

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RESPONSIBILITY FOR IMPLEMENTATION

The Executive Director of University Marketing and Communications, the Executive Director of Information and Communications Technology (CIO) and the University Librarian are responsible for causing the implementation and administration of this policy. Those administrators shall cause the creation of appropriate procedures and guidelines to meet the requirements of the DMCA, TEACH Act, and other applicable laws, and for public copyright warning notices on and at appropriate devices and places, as well as procedures for dealing with the use of copyrighted materials:

- in printed, audio, video, digital and other media in the classroom or otherwise, and
- on University Web sites, servers or other devices distributing electronic files, and
- in digital materials, audio, video, writings, images and other materials or documents distributed electronically through online course content tools, or otherwise, and
- for all other relevant uses, except
- the University Librarian shall be the authority for determining copyright exemptions and permissions for library and archive copying and reproduction activities, including library photocopying activities, e-Reserves and the online and other activities of the library.

SCOPE OF POLICY COVERAGE

This policy is intended to apply broadly to all persons including, without limitation, faculty, administrators, staff, students and any other persons involved in using copyrighted materials in pursuit of University business or activities, or using University facilities, equipment or materials.

Authority for Creation or Revision

Minutes of the Board of Regents: June 21, 2005, para. .6450M.