



Copyright Policy
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Columbia College Chicago Copyright Policy

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I. Statement

Columbia College Chicago is committed to providing “a comprehensive educational opportunity in the arts, communication, and public information within the context of enlightened education.”¹ We recognize our obligation to protect the rights of artists, writers, and other makers of creative expression when providing access to copyrighted materials in the course of teaching and all other business conducted at Columbia College Chicago. Therefore, the College requires its members to comply with all applicable laws concerning copyright. Those who willfully violate copyright law assume sole responsibility for their infringement.

This policy is a general guide to the use of copyright protected works in teaching at Columbia College Chicago. It does not address specific copyright issues or provide legal advice. In addition, other laws or contracts may limit the ability of a faculty member to use a work even where the use is otherwise permissible under copyright law.

II. Copyright Definition

United States copyright law is codified in Title 17 of the United States Code. See <http://www.copyright.gov/title17/>. Copyright law protects creators of original works, including literary, dramatic, musical, artistic, and other intellectual works. It is based on the U.S. Constitution, which states that the purpose of copyright is to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings.”² The rights given to the owner of a copyrighted works are:

- to reproduce or copy the work
- to prepare derivative works based upon the work
- to distribute copies of the work to the public
- to perform the work publicly (in the case of literary, musical, dramatic and choreographic works, pantomimes, and motion pictures and other audiovisual works)
- to display the work publicly (in the case of literary, musical, dramatic and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work)
- to perform the work publicly by means of a digital audio transmission (in the case of sound recordings)

It is illegal for anyone to violate the rights given to the owner of copyrighted works.

¹ Columbia College Chicago. “Mission.” http://www.colum.edu/About_Columbia/Mission.php.

² United States Constitution. Article I, Section 8, <http://www.copyright.gov/title17/92preface.html>.

Sections 107-121 of Title 17 place certain limitations on these rights. Educational use of copyrighted works is addressed in Section 107, Fair Use and Section 110, Exemption of Certain Performances and Displays.

III. Fair Use

A. Determining Fair Use

There is no absolute certainty in determining the fair use of a copyrighted work. Section 107 lists four factors to consider when considering fair use:

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;
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.

All four factors must be considered in determining whether educational use of a copyrighted work can be deemed fair, and only federal judges make this decision. Nevertheless, we can make good faith analyses of our proposed uses of works. This online tool, the “Fair Use Evaluator” by the American Library Association, will lead you through a sample fair use evaluation: <http://www.librarycopyright.net/fairuse/>.

B. Fair Use Guidelines for Photocopying Books and Periodicals for Classroom Use

Columbia College Chicago follows these commonly used guidelines for photocopying books and periodicals for classroom use³.

1. Single copies, for instructors’ research or teaching purposes, may be made of:
 - a) a chapter from a book;
 - b) an article from a newspaper or periodical;
 - c) a short story, short essay, or short poem, whether or not from a collective work;
 - d) a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
2. Multiple copies (not to exceed one copy per student enrolled in a class) may be made by the instructor for classroom use if the copying meets the tests of:
 - a) brevity
 - b) spontaneity
 - c) cumulative effect
3. Prohibitions to both single and multiple copying are:
 - a) copies may not be used for anthologies, compilations, or collective works;

³ Adapted from Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions with Respect to Books and Periodicals. H.R. Rep. No. 1476 at 68-71, 94th Cong., 2d Sess. (1976).

- b) “consumable” material, such as workbooks, tests, and answer sheets, may not be copied;
- c) copying may not be used to substitute for purchasing, be “directed by higher authority,” or be repeated “with respect to the same item by the same teacher from term to term”;
- d) the student may not be charged more than the actual cost of the photocopying.

C. Fair Use Examples

1. Fair use applies to (but is not limited to) reproduction for such purposes as criticism, comment, news reporting, teaching, scholarship, or research.
2. Copying portions of a news article may be a fair use, but copying from a workbook designed for a course of study is not.
3. Photocopying or duplicating by an individual for his/her personal use, as long as it is a single copy of an article, short poem, or small portion of the work as a whole, is generally considered fair use.
4. Fair use allows teachers, acting on their own, to copy small portions of a work for the classroom, but does not allow an institution to do so.
5. Systematic duplication, whether making multiple copies at one time or single copies that in the aggregate add up to multiples, is not considered fair use.
6. If resulting economic loss to the copyright owner can be shown, even making a single copy of certain material may be a violation of copyright.
7. Copying for the purpose of creating, replacing, or substituting for anthologies, compilations, or collective works is not considered fair use.

IV. The Public Domain

Public domain works are defined as works not protected by copyright. There are three main categories of public domain works:

1. Works whose copyright has expired. To determine whether the copyright has expired for a work, please consult the chart “Copyright Term and the Public Domain in the United States” at <http://copyright.cornell.edu/resources/publicdomain.cfm>
2. Works whose authors failed to secure copyright
3. United States federal government publications

V. The Creative Commons

The Creative Commons is a nonprofit organization that works “to increase the amount of creativity (cultural, educational, and scientific content) in ‘the commons’ — the body of work that is available to the public for free and legal sharing, use, repurposing, and remixing”⁴. Creative Commons licenses allow copyright holders to define which rights they retain, from “some rights” to “no rights”. For more information, see <http://creativecommons.org/>.

VI. Use of Audiovisual Materials

⁴ Creative Commons. “What is Creative Commons?”

http://wiki.creativecommons.org/images/3/35/Creativecommons-what-is-creative-commons_eng.pdf.

A. Classroom Use of Commercially Produced Media

The doctrine of fair use applies to the use of audiovisual materials. In addition, Section 110(1) grants rights to display and perform copyrighted works in the classroom (among other venues). Educational use is granted in the exemption for “face-to-face teaching activities”. The following criteria must be met for the classroom exemption to apply:

1. presentation must be made by instructors, guest lecturers, or students;
2. viewing must be in conjunction with face-to-face teaching, i.e., not transmitted;
3. viewing must occur in the classroom or similar place devoted to instruction within a nonprofit educational institution; and
4. copies of the works viewed must be lawfully made.

B. Off-Air Recordings

Columbia College Chicago follows these commonly used guidelines for the use of off-air recordings⁵:

Television programming (broadcast, cable, or satellite) may be recorded for teaching purposes provided that the programming is viewed within ten school days of the taping. Tapes can be retained for a period of no more than 45 consecutive calendar days after the recording. Upon conclusion of such retention period, off-air recordings must be erased or destroyed.

Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated only once when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction.

Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcasted.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.

VII. Library Policies related to Copyright

A. Interlibrary Loan

Under certain conditions specified in Section 108 of Title 17, libraries and archives are authorized to furnish a photocopy or other reproduction of copyrighted material. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose

⁵ Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes reproduced in Russell, Carrie. *Complete Copyright: An Everyday Guide for Librarians*. Chicago: American Library Association, 2004 at 193.

other than private study, scholarship, or research"⁶. If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of fair use, that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

B. Course Materials on Electronic Reserve

Through its electronic reserves system, the Library makes texts and music available for students enrolled in a particular course to access electronically. Fair use guidelines apply to electronic reserve reading materials. For Library policies about placing materials on reserve, contact the Circulation Desk at 312.369.7152. Or see <http://www.lib.colum.edu/research/reservesFaculty.php>.

C. Linking to Articles in Library Databases

Instructors may link from their course pages directly to articles in databases licensed by the Library. By doing so, instructors indicate where to find an article, but they do not reproduce, display, or distribute it, which are rights of the copyright owner.

For instructions how to link to an article in a Library database, see: <http://www.lib.colum.edu/services/links/index.php>.

For a list of Library databases, see: <http://www.lib.colum.edu/research/databases.php>.

VIII. The Digital Millennium Copyright Act

A. The Act, Generally

The Digital Millennium Copyright Act (DMCA) was signed into law in October 1998 and incorporated into Title 17.

B. The Anti-Circumvention Rule and an Exception for Some DVD Uses

One of the chief provisions of the DMCA is Section 1201 of Title 17. It prohibits circumventing or disabling technological measures that control access to a copyrighted work, for example a password.

One of the exceptions to this provision allows users to circumvent the Content Scrambling System that protects films on DVDs in order to incorporate short portions of the films into new works used for criticism or comment. The protected DVDs must be lawfully made, and the circumvention must be necessary for one of the following uses:

1. educational uses by College professors and film and media students

⁶ 17 U.S.C. §108(d)(1).

2. documentary filmmaking
3. noncommercial videos

This exemption lasts until 2012, at which time it may be renewed or altered.⁷

C. Integrity of Copyright Management Information

Section 1202 of Title 17 protects the integrity of copyright management information. This broad term encompasses many types of information that identify works and their copyright owners. It includes titles, creators of works, owners of copyright to works, performers of works, directors of audio-visual works, and more.

It is illegal to facilitate or conceal copyright infringement by providing or distributing false copyright management information.

It is also illegal to intentionally remove or alter copyright management information without the approval of the copyright owner. Further, the DMCA bars distribution of copyright management information known to have been removed or altered without the consent of the copyright owner.

⁷ United States Copyright Office. "Rulemaking on Exemptions from Prohibition on Circumvention of Technological Measures that Control Access to Copyrighted Works." Last updated February 7, 2011, <http://www.copyright.gov/1201/>.