



Copyright Violation Policy

The Copyright Act of the United States (Title 17 of the United States Code) provides legal protection to authors of original works, including literary, dramatic, musical, artistic, and other intellects. The copyright of an author's work arises at the time the work is created. Publication thereof is not essential for the copyright protection. In addition, the copyright symbol (©) is not required for the copyright protection to activate. Section 106 of the Copyright Act grants to the owner of the copyright the exclusive right to do, and to authorize others to do, the following:

- Reproduce copies of the work
- Prepare derivative works based on the copyrighted work
- Distribute copies of the work by sale, rent, lease, or loan, or by electronic means
- Publicly represent literary, dramatic, choreographic, or musical works, pantomime, movies, and audiovisual works
- Publicly exhibit literary, dramatic, choreographic, or musical works, pantomime, and pictorial works, graphic or sculptural works, including movies or individual audiovisual images
- Publicly represent copyrighted sound recordings through a digital audio transmission

Works deemed within public domain can be utilized (and copied) freely. The following publication categories are generally considered within the public domain, that is, not protected under the Copyright Act:

- Works whose author has expressed no interest in the copyright
- Works whose copyright has expired (first publication before 1923, published with © notice and not renewed in 28 years, published with © notice, published after 2002, but created before 1978, and the author died over 70 years ago)
- Works created by the federal government

The "fair use" doctrine, embedded in Section 107 of the Copyright Act, is addressed to the needs of researchers and students, and allows the use of the copyrighted material without first obtaining a use permit from the owner of the copyright in some limited circumstances. What makes up fair use is expressed in the form of guidelines rather than specific rules. To determine the fair use, one should consider the following four factors, with no factor exceeding another.

1. The purpose and nature of the use, including whether the material will be copied for commercial, non-profit, or educational purposes. Personal use for non-profit or educational purposes counts as fair use.
2. The nature of the copyrighted work, with special consideration given to the distinction between creative work and information work. Greater protection is given under the copyright law to creative works such as fiction or poetry.
3. The quantity, abundance, or portion used in relation to the work with full copyright. This factor requires consideration of the portion of the work copied and used, and the significance of the copied portion. A 10% is deemed to be fair use.
4. The effect of the use upon the potential market of the copyrighted work. The user must determine whether there is other material easily available for the envisioned type of use.

Authorization must be sought if the work is not in the public domain and fair use does not apply.

Civil and criminal charges may be imposed for violation of an owner's software copyright. Unauthorized copying of software may be a crime even if the person who copied the software had not intention to violate the law.

This includes illegal file-sharing, which is the practice of distributing or providing access to media and/or digital files, such as listening or audiovisual material, electronic books, or computer software. While not all file-sharing is illegal, the rules already established to measure it can be followed, and the cases will be equally considered as such.

Penalties for violating the law

If it is determined that a student or employee has willingly ignored the Copyright Guidelines, they will not be defended by the institution in the event of a declaration of violation. If the work is not in the public domain, fair use will not apply, and the user should obtain authorization from the owner of the copyright.

- If the institution receives a formal notice of copyright infringement, given the actions of one of the system users, the institution will notify the user of such violation.
- The user will have the burden to prove that the alleged violation is not an infringement of the law.
- If an intentional violation is determined, the computer privileges of the user may be suspended or terminated by the appropriate authority, or disciplinary action may be taken.

In any event, if a student incurs a copyright violation, the Director or Designated Director will inform the student that he/she has incurred a disciplinary fault. Proportionally with the disciplinary fault, the Director may determine interim measures that may entail separation from school until the final determination of the Committee. Reviews will be made on a case-by-case basis, and the Discipline Committee may take any of the following disciplinary actions commensurate with the facts:

- Written reprimand
- Suspension
- Permanent summary withdrawal (expulsion)

A person responsible for violation of copyrights may be ordered to pay damages between \$750 and \$30,000 for infringed work. For "deliberate" infraction, a court may grant up to \$250,000 for infringed work and criminal sanctions of up to five years in prison. For further details, see Title 17 of the United States Code, Sections 504, 505.