

PROCEDURE

Number: 8.7.7.1
Related Policy: 8.7.7
Title: Copyright
Responsibility: Vice President for Academic Affairs

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Chairperson

I. EMPLOYER, EMPLOYEE AND STUDENT RESPONSIBILITIES

Employees and students who wish to reproduce or use copyrighted materials must obtain written permission of clearance from the copyright holder. No employee or student of Horry Georgetown Technical College may reproduce any copyrighted work in print, video, or electronic form. Copyright is a form of protection provided by the laws of the United States to the authors of "original works of authorship", including literary, dramatic, musical, artistic and certain other intellectual works. This protection is available to both published and unpublished works and prohibits the unauthorized distribution of peer-to-peer file sharing of music, movies, television programs or software that is copyrighted. Works are protected by copyright laws in the U.S. even if they are not registered with the U.S. Copyright Office and even if they do not carry the copyright symbol©.

To obtain permission to reproduce copyrighted material, employees and students can request permission online at <http://www.copyright.com/> or obtain permission from the owner of the work directly. The copyright discussions, guidelines, or examples, which are present in this procedure are intended to assist employees and students in making copyright determinations, but may not be relied upon by employees and students as legal advice.

II. LEGAL BACKGROUND

- A. The foundation for copyright law can be found in the United States Constitution. Title 17, U.S. Code, is the statutory copyright law of the United States.
- B. Section 106 of the statute describes five basic rights of copyright owners which are to reproduce (copy), to publish, to prepare derivative works, to perform and to display copyrighted works.
- C. Major limitations to the rights of copyright holders are set forth in Section 107 of the statute (the so-called Fair Use exemption) and in Section 110 (face-to-face teaching exemption and T.E.A.C.H. Act exemptions).

III. COPYRIGHT INFORMATION AND PERMISSIONS

- A. The Library has materials on copyright guidelines and draft legislation. The Library staff does not provide legal advice. Employees and students may not rely on information provided by the Library staff as to the legality of a copyright issue.
- B. Each unit or department chair is responsible for posting appropriate copyright notices on equipment for public use.

IV. SUMMARY OF PENALTIES

Violations of the copyright policy and procedure carry severe penalties at the College and/or federal level. Disciplinary action may include the following:

- A. Student disciplinary procedures and sanctions as defined in the Student Code for the South Carolina Technical College System as detailed in the College catalog.
- B. As defined by U.S. Copyright Law, copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under Section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.
- C. Violation by employees may be subject to disciplinary action up to and including termination.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504 and 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the website of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.