

Pennsylvania College of Technology

Policy Statement

Title: Copyright Policy

Number: P7.17

Approved by:
Presidential Action

Approved Date: 10/2004
Implementation Date: 10/2004
Last Review Date: 11/2021
Last Revision Date: 11/2021

Persons/Departments Affected:
All employees and students

Responsible Department:
Information Technology Services, Madigan Library

Definitions:

Copyright: A form of protection provided by the 1976 Copyright Act of the United States for "original works of authorship," including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations. "Copyright" literally means the right to copy, but has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work. Copyright protection does not extend to any idea, procedure, process, system, title, principle, or discovery. Similarly, names, titles, short phrases, slogans, familiar symbols, mere variations of typographic ornamentation, lettering, coloring, and listings of contents or ingredients are not subject to copyright. Source:
<http://www.copyright.gov/help/faq/definitions.html>

Fair Use: Fair use is a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances. [Section 107 of the Copyright Act](#) provides the statutory framework for determining whether something is a fair use. Section 107 calls for consideration of the following four factors in evaluating a question of fair use: 1. purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes, 2. nature of the copyrighted work, 3. amount and substantiality of the portion used in relation to the copyright work, and 4. effect of the use upon the potential market for or value of the copyrighted work. In addition to the preceding, other factors may also be considered by a court weighing a fair use question, depending on the circumstances. Courts evaluate fair use claims on a case-by-case basis, and the outcome of any given case depends on a fact-specific inquiry. This means that there is no formula to ensure that a predetermined percentage or amount of a work – or a specific number of words, lines, pages, copies – may be used without permission.

Policy:

As an educational community, Pennsylvania College of Technology subscribes to the belief that intellectual property rights are to be respected, and that fair and appropriate use of copyrighted materials is both a legal and an ethical obligation that must be observed by all employees and students.

All members of the College community are expected to comply with the 1976 Copyright Act and all subsequent amendments included in Title 17 of the United States Code.

Employees and students assume responsibility for the particular aspects of the law that affect them.

Revision History:

Date:

11/2021 Updated fair use definition

04/2016 Expanded copyright definition and added fair use definition.

Cross References:

Copyright Procedure, [PR7.17](#)