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### Forsyth Library Copyright and Intellectual Property Center brochure

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# *Forsyth*



# *Library*

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- The Copyright and Intellectual Property Center advises faculty, staff and students, helping with understanding and applying the concept of "fair use" in ordinary classroom and research settings and in the digital environment.
- Our web page includes a downloadable official FHSU handbook on copyright. It offers general information on copyright laws and links to resources for copyrighting your work, getting permission to use copyright-protected materials, and getting published.
- We also help you get permissions to use copyright-protected material in your classrooms and have a downloadable form that you may use for classroom or publication permissions. If you have questions, call us.
- We also help you to get the right forms for registering your own copyright.
- We offer workshops on copyright and intellectual property, including plagiarism, and we offer short presentations to classes and departments on library resources, copyright, plagiarism, privacy and other issues.

# **Why a Copyright and Intellectual Property Center at Fort Hays State University?**

**It is important to be aware of the new laws governing copyright and to have up-to-date information as the law changes:**

## **Did you know?...**

- That the Digital Millennium Copyright Act of 1998 (DMCA) profoundly affects the way that universities can pursue distance education?
- That what is fair use in the classroom is no longer necessarily fair use on the web?
- That a copyright owner may avoid proving actual damage by electing a statutory damage recovery of up to \$30,000 or, where the court determines that the infringement occurred willfully, up to \$150,000, based upon what the court in its discretion considers "just." (17 U.S.C. §504)
- That violation of copyright law is also considered a federal crime when done willfully with intent to profit? Criminal penalties include up to ten years imprisonment depending on the nature of the violation. (18 U.S.C. §2319)

**Protect yourself. Be informed.  
Contact us with questions and  
visit our site:**

[http://www.fhsu.edu/forsyth\\_lib/copyright/](http://www.fhsu.edu/forsyth_lib/copyright/)

**FYI:**  
**THE DIGITAL MILLENNIUM COPYRIGHT ACT**  
**(TITLE 17, CH 12, SEC. 1201):**

- Prohibits circumvention of copyright protection devices on the web and *prohibits piracy of all web resources*, with stiff penalties for infringement.
- Limits copyright infringement liability for Internet service. *Service providers, however, are expected to remove material that appears to constitute copyright infringement. Fort Hays State University has appointed David Schmidt as infringement agent to receive complaints.*
- Therefore, *it is advisable for anyone considering using materials on the web for their own web projects to consult with the copyright librarian, x4342, [svesely@fhsu.edu](mailto:svesely@fhsu.edu) or to consult an attorney.*

**Resource: The UCLA Institute for  
Cyberspace Law and Policy**  
<http://www.gseis.ucla.edu/iclp/dmca1.htm>

**TECHNOLOGY, EDUCATION AND COPYRIGHT  
HARMONIZATION (TEACH) ACT OF 2002**  
**(AMENDING PARTS OF TITLE 17 CH. 1) ALLOWS**  
**UNDER CERTAIN CONDITIONS:**

- Transmitting **Performances** of ALL of a non-dramatic musical or literary work.
- Transmitting "reasonable and limited portions" of any other performance.
- Transmitting displays of any work or still images.
- In summary, the TEACH ACT updates U.S. Copyright Law (Title 17), allowing limited educational use, including distance education use, of audiovisual resources.

**NOTE:** For requirements to implement TEACH, please visit:  
<http://www.ala.org/washoff/copyright.html>



## WHAT IS COPYRIGHT?

"Copyright" grants exclusive use of a work for a limited time under Title 17 of the United States Code to an owner or author of literary, dramatic, musical, artistic, and some other intellectual works.

Copyright protection is automatic once an original work is in some fixed or tangible medium: written (including computer programs), filmed, recorded, sculptured, etc. It is not necessary for the work to be registered or marked as copyrighted to be protected.

## WHAT IS FAIR USE?

Section 107 of U.S. Copyright Law creates a limitation on copyright protection called "Fair Use." It protects socially beneficial borrowings of copyrighted works. It is *not* permission to use all copyrighted works at will for "education."

News media, educators, nonprofit organizations and researchers may use materials that are copyrighted without permission, within legal guidelines that consider the following four factors:

1. **PURPOSE** should be not-for-profit.
2. **NATURE** of the work
3. **PORTION** should be minimal.
4. **MARKET IMPACT** should be negligible.

For more details, please visit the FHSU Copyright and Intellectual Property Web Site:  
[http://www.fhsu.edu/forsyth\\_lib/copyright/](http://www.fhsu.edu/forsyth_lib/copyright/)

