

Copyright Use

OPERATIONAL POLICY STATEMENT

It is the policy of the Yavapai County Community College District ("College") to respect the rights of copyright owners and to follow the Copyright Act, 17 U.S.C. Sections 101, et seq.. Copyright law continues to evolve and this operational policy represents a sincere effort by the College to operate legally.

- Guided by its mission of teaching and service, the College is committed to respect for intellectual property rights and the appropriate use of copyrighted materials, in any medium, consistent with the spirit and the letter of the U.S. Copyright Law.
- It is imperative that faculty and staff, as they encounter the work of others, consider and understand the relationship between copyright and their use of existing and emerging technologies.
- The rapidly changing technological and legal environments of higher education require a systematic and ongoing program of copyright education, awareness, and decision support.

Yavapai College resources may be used to reproduce or otherwise use copyrighted material only as permitted under the law. Copyright notices will be posted where applicable. Employees who willfully disregard this policy do so at their own risk and assume all liability for their actions. Within the context of the Student Code of Conduct and other applicable College regulations, students are individually expected to act responsibly and ethically by applying the law's fair use principles to the completion of their activities and projects.

The President is responsible for naming a Copyright Liaison(s) who will assume the responsibilities of distributing copyright guidelines, acting as a resource person(s) regarding copyright matters and providing training programs on copyright. Information and guidance on copyright law is available electronically through the College's website.

Overview of Copyright and Fair Use

A copyright gives its owner the exclusive right to copy the work, prepare derivative works, distribute the work, and perform and display the work publicly.

A work is copyrightable if it is an original work of authorship fixed in a tangible medium of expression. Under current law, nearly everything created by an individual or an organization that fits this rule is automatically protected by copyright, and neither registration, publication nor a copyright notice (for works published after 1989) is required for copyright protection. With the range of works

covered being so broad, you can assume everything you find on the Internet is copyrighted, unless otherwise labeled.

Works created before 1923 fall into a class known as the public domain, and are free for all to copy and use. For example, Shakespeare's plays are clearly in the public domain. It is not always that simple, however: though Beethoven's musical compositions are in the public domain, the recorded performances of his works made after 1923 are protected by copyright.

The Fair Use exemption (Section 107, U.S. Copyright Law) permits limited reproduction of copyrighted works for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, without the permission of the copyright owner. However, nonprofit educational use does not automatically establish a condition of fair use, nor does the law provide clear directives for individual situations. Instead, a determination of fair use must be made on a case-by-case basis, considering the following factors:

1. The purpose and character of the use
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used
4. The effect of the use upon the potential market for or value of the copyrighted work

Thoughtful analysis of these four factors in relation to the desired use is necessary in order to arrive at a "good faith" determination of fair use in a specific situation. Please see the College website, under the TELS department, for specific cases on education use and other relevant information.

Unless your use of a work is fair use, other exemptions in the law apply, or the work is in the public domain, you will need to get permission from the copyright holder before using it. Though it is important to properly credit the source of a work, giving credit to an author will not substitute for getting authorization or paying royalties, if such are required.

RELATED INFORMATION

[Copyright Law of the United States of America](#)

OPERATIONAL POLICY HISTORY

Formerly Policy 6.3, Adopted 7/8/2003
Revised & Renumbered 2.4.11 on 11/6/2012
Renumbered to Policy 2.28 in 10/2014
Revised to "Operational" Policy 3/5/2021
