This Copyright Policy (C3.2) is intended to protect the interest of copyright holders, ensure that RIT, its faculty, staff, student and visitors comply with copyright law and the Technology Education and Copyright Harmonization Act, and to ensure that the RIT Community, and society at large, benefit from the fair and full dissemination of copyrighted knowledge and innovation.
History

• February 4th, 2010: policy presented to Academic Senate, tabled at that time
• Objections centered on:
  – Completion of checklist
  – Lack of clarification as to purpose of policy
– Fall, 2012: Small team with representation from Legal, Library, Academic Senate and Student Affairs formed to draft new policy
– Not to be confused with Intellectual Property Policy C3.0, intended to protect the interests of both intellectual property creators and RIT
Purpose

• For consultation when members of the RIT Community seek to determine if they may use the Intellectual Property of another, without that individual’s consent or the payment of royalties and/or licensing fees

• Intended to protect the interest of copyright holders, ensure that RIT, its faculty, staff, student and visitors comply with copyright law and the Technology Education and Copyright Harmonization (TEACH) Act

• Requirement to qualify for TEACH Act exemptions:
  – (D) the transmitting body or institution—
    “(i) institutes policies regarding copyright, provides informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to students that materials used in connection with the course may be subject to copyright protection;”

• Applies to all works that are not in the Public Domain

• Majority of educational uses covered by Face to Face Teaching Exemption, TEACH Act or Fair Use
Face to Face Teaching Exemption

• Copyrighted Works are from legitimate sources.
• Copyrighted Works must be part of a systematic course of instruction and not for entertainment, recreation, or cultural value.
• Copyrighted Works must be performed, shown, or displayed from the same location in which it is being screened.
• Copyrighted Works must be performed, shown, or displayed during regularly scheduled class time, in classrooms or locations devoted to instruction.
• The use of Copyrighted Works must be a part of the teaching activities at a non-profit educational institution.
• Attendance at the location devoted to instruction, where the Copyrighted Work will be performed, shown, or displayed, must be limited to members of the RIT Community that are registered for the course or involved in teaching activity (e.g. guest lecturer).
TEACH Act

• Copyrighted Works must be part of an online or Distance Learning course and not for entertainment, recreation, or cultural value.

• The use of the Copyrighted Work is limited to members of the RIT Community that are enrolled in the online or Distance Learning course.

• Access to the Copyrighted Work is limited, either by password or other protection device, to members of the RIT Community that are enrolled in the online or Distance learning course.

• The Faculty Member must provide to the members of the RIT Community that are enrolled in the online or Distance Learning course written notice of this RIT Copyright Policy and that some of the course materials may be protected by Copyright Law.
Fair Use

• The purpose or character of the proposed use - transformative, educational, and for a non-profit, entertainment, or commercial purpose.
  — Generally, a finding of fair use is likely under this factor if the proposed use of the Copyrighted Work is transformative, educational and for a non-profit purpose.

• The nature of the Copyrighted Work, considers the amount of creativity in the Copyrighted Work. It requires an examination of whether the Copyrighted Work was news, factual or fictional in nature, or whether the Copyrighted Work was previously published.
  — Generally, a finding of fair use is likely under this factor if the Copyrighted Work is factual work that was previously published.

• The amount of the Copyrighted Work copied or used.
  — Generally, a finding of fair use is likely under this factor if the proposed use of the Copyrighted Work is small in quantity, appropriate for the purpose being achieved, and not central to the entire Copyrighted Work as a whole.

• The effect of the use on the potential market for the Copyrighted Work.
  — Generally, a finding of fair use is likely under this factor if the Copyrighted Work is no longer in print, the proposed use is a one-time limited use, and only a few copies will be made.
QUESTIONS?