

Multnomah University Copyright Guide

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Acknowledgements

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Legal review of this document occurred in May 2013 by Marshall J. Nelson, J. D. of Davis Wright Tremaine LLP.

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COPYRIGHT BASICS

Copyright Policy of Multnomah University

Multnomah University respects the rights of creators of original works of authorship and expects administration, faculty, students, and staff to comply with U.S. Copyright Law protecting such works. In keeping with copyright's purpose and our mission to prepare Christian leaders for the church, community and the world, copyrighted materials are lawfully distributed at Multnomah University in order to support learning and advance knowledge creation.

Questions or complaints regarding Multnomah University's use of copyrighted materials may be sent to copyright@multnomah.edu.

What is the purpose of copyright?

Understanding the purpose of copyright law is crucial to its appropriate application. Rooted in a Constitutional provision that gives Congress the power “to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors exclusive Right to their respective Writings and Discoveries” ([U.S. Constitution, Article 1, Section 8](#)), copyright law's primary purpose is not to reward authors, but to encourage innovation and the dissemination of knowledge. Justice Sandra Day O'Connor clarifies copyright's intent: “To this end, copyright assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work... This result is neither unfair nor unfortunate. It is the means by which copyright advances the progress of science and art” ([Feist Publications, Inc. v. Rural Telephone Service Co. 499 US 340, 349\(1991\)](#)).

What does copyright protect?

U.S. Copyright Law [Title 17, Section 102](#) identifies the types of works that may be protected by copyright:

- literary works (this designation includes works composed of words and/or numbers, such as books, articles, Web sites, and software programs)
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works

Copyright does not cover:

- facts, ideas, procedures, processes, systems, methods of operation, concepts, principles, or discoveries. However, a particular *expression* or *arrangement* of facts, ideas, etc., may be

protected.

- works in the public domain
- works for which the copyright has expired
- works of the U.S. federal government or any U.S. federal government employee acting within the scope of his/her employment ([Title 17, Section 105](#))

Copyright is a *limited* monopoly granted to creators of “original works of authorship fixed in any tangible medium of expression” ([Title 17, Section 102](#)) and governs more than copying. It establishes the rights creators have in relation to their work, as well as the rights others may have to reproduce, distribute, modify, display, or perform them. Copyright is best understood as a bundle of rights, each of which may be exercised independently.

Whether published or unpublished, copyright goes into effect automatically at the time a work is created. Since 1976, a work does not have to be registered with the United States Copyright Office to be protected, nor, since 1989, does a work require a copyright notice or the symbol © to be protected¹.

Are there limitations on copyright holders’ exclusive rights?

Yes! In order to advance learning and knowledge creation, copyright law provides many limits on the exclusive rights of copyright holders, including four that are important to teachers and scholars. The following types of copying are not an infringement of copyright, and therefore, permission does not need to be sought from the copyright holder:

- Section 107 enables fair use, which covers much of the copying done by nonprofit educational institutions (see “Fair Use,” page 3 below)
- Section 108 describes reproduction by libraries and archives
- Section 109 permits the lawful distribution of a copy of a protected work, e.g. lending, rental, and resale, with some exceptions.
- Section 110 allows performance and display for educational purposes (see “Public Performance and Display of Media,” page 6 below)

Beyond these limitations, keep in mind that licenses and other contracts might restrict or expand the scope for potential use of a copyrighted work, for example, publication agreements.

What is the length of copyright?

The length of copyright protection varies depending on the year of creation. Works created prior to 1978 have varying requirements for registration, use of a copyright notice, and copyright renewal. Currently, for most works created after 1977, copyright protection lasts for the life of the creator, plus seventy years. To determine whether something is protected by copyright, use the digital slider tool [Is it Protected by Copyright?](#).

¹ There are, however, benefits to registration and use of a proper copyright notice. (See “Managing Your Copyright,” page 11 below)

What is the public domain?

The public domain refers to works for which copyright protection has expired or which were never eligible for such protection under applicable laws². Being in the public domain means anyone can copy the material without permission. To determine whether something is in the public domain, see the [Is it Protected by Copyright?](#) digital slider tool.

FAIR USE

The Four Factors of Fair Use

Fair use is an important limitation on the exclusive rights of copyright holders outlined in [Section 107 of the U.S. Copyright Act](#). According to Section 107:

...the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

Fair Use Analysis

Congress asserts that “the doctrine [of Fair Use] is an equitable rule of reason, no generally applicable definition is possible, and each case raising the question must be decided on its own facts” ([U.S. Copyright Office Circular 21: Reproduction of Copyrighted Works by Educators and Librarians](#)). Courts rule in fair use cases by weighing all four factors in a particular case; likewise, individuals wishing to claim fair use must weigh all four factors to make that determination. Fair use is meant to be a flexible doctrine enabling educators, librarians, students, and others to use copyrighted material in good faith *without* seeking permission in appropriate cases. Keep in mind that an employee of a non-profit organization, acting within the scope of their employment who “reasonably believed and had reasonable grounds for believing that his or her use was fair use” cannot be held liable for statutory damages if a court later finds the use was an infringement of copyright [Title 17, Section 504 (c)(2)].

² Copyright duration and protection may vary from country to country.

Factor 1: The Purpose and Character of the Use

The fair use statute itself indicates that nonprofit educational purposes are generally favored over commercial uses. In addition, the statute explicitly lists several purposes especially appropriate for fair use, such as criticism, comment, news reporting, teaching, scholarship, or research. These activities are also common and important at the university. But be careful: Not all nonprofit educational uses are “fair.” A finding of fair use depends on an application of all four factors, not merely the purpose. However, limiting your purpose to some of these activities will be an important part of claiming fair use.

Courts also favor uses that are “transformative,” or that are not merely reproductions. Fair use is more likely to be found when the copyrighted work is “transformed” into something new or of new utility, such as quotations incorporated into a paper, or perhaps pieces of a work mixed into a multimedia product for your own teaching needs or included in commentary or criticism of the original.

Factor 2: The Nature of the Copyrighted Work

This factor centers on the work being used, and the law allows for a wider or narrower scope of fair use, depending on the characteristics or attributes of the work. For example, the unpublished “nature” of a work, such as private correspondence or a manuscript, can weigh against a finding of fair use. The courts reason that copyright owners should have the right to determine the circumstances of “first publication.” Use of a work that is commercially available specifically for the educational market is generally disfavored and is unlikely to be considered a fair use. Additionally, courts tend to give greater protection to creative works; consequently, fair use applies more broadly to nonfiction, rather than fiction. Courts are usually more protective of art, music, poetry, feature films, and other creative works than they might be of nonfiction works.

Factor 3: The Amount or Substantiality of the Portion Used

Although the law does not set exact quantity limits, generally the more you use, the less likely you are within fair use. The “amount” used is usually evaluated relative to the length of the entire original and in light of the amount needed to serve a proper objective. However, sometimes the exact “original” is not always obvious. A book chapter might be a relatively small portion of the book, but the same content might be published elsewhere as an article or essay and be considered the entire work in that context. The “amount” of a work is also measured in qualitative terms. Courts have ruled that even uses of small amounts may be excessive if they take the “heart of the work.” For example, a short clip from a motion picture may usually be acceptable, but not if it encompasses the most extraordinary or creative elements of the film. Similarly, it might be acceptable to quote a relatively small portion of a magazine article, but not if what you are quoting is the journalistic “scoop.” On the other hand, in some contexts, such as critical comment or parody, copying an entire work may be acceptable, generally depending on how much is needed to achieve your purpose. Photographs and artwork often generate controversies, because a user usually needs the full image, or the full “amount,” and this may not be a fair use. On the other hand, a court has ruled that a “thumbnail” or low-resolution version of an image is a lesser “amount.” Such a version of an image might adequately serve educational or research purposes.

Factor 4: The Effect of the Use on the Potential Market for or Value of the Work

Effect on the market is perhaps more complicated than the other three factors. Fundamentally, this factor means that if you could have realistically purchased or licensed the copyrighted work, that fact weighs against a finding of fair use. To evaluate this factor, you may need to make a simple investigation of the market to determine if the work is reasonably available for purchase or licensing. A work may be reasonably available if you are using a large portion of a book that is for sale at a typical market price. “Effect” is also closely linked to “purpose.” If your purpose is research or scholarship, market effect may be difficult to prove. If your purpose is commercial, then adverse market effect may be easier to prove. Occasional quotations or photocopies may have no adverse market effects, but reproductions of entire software works and videos can make direct inroads on the potential markets for those works.

Fair Use is a Balancing Test

To determine whether a use is or is not a fair use, always keep in mind that you need to apply all four factors. For example, do not jump to a conclusion based simply on whether your use is educational or commercial. You still need to evaluate, apply, and weigh in the balance the nature of the copyrighted work, the amount or substantiality of the portion used, and the potential impact of the use on the market or value of the work. This flexible approach to fair use is critical in order for the law to adapt to changing technologies and to meet innovative needs of higher education. Not all factors need to weigh either for or against fair use, but overall the factors will usually lean one direction or the other. Also, the relative importance of the factors is not always the same. Your analysis should guide you to a conclusion.

The preceding commentary on the four factors was created by Kenneth D. Crews, Director of the Copyright Advisory Office of Columbia University. Used by permission.

Fair Use Best Practices for Multnomah University Instructors

NOTE: The following section was adapted from the [Copyright Guide for AMBS](#) (Anabaptist Mennonite Biblical Seminary), written by Eileen Saner and used by permission.

The fair use provisions of U.S. Copyright Law (Section 107) may allow educators to distribute paper and electronic copies of copyrighted materials for course-related use without obtaining permission from the copyright holder. For such copying, please adhere to the following best practices:

1. The instructor or the library owns a lawfully acquired copy of the work.
2. The item being copied is not unpublished, highly creative, or consumable (e.g. a workbook).
3. The purpose for which the copies are made is purely educational.
4. Only the amount needed for the educational purpose is copied.
5. The item being copied is a small portion, generally considered to be a single article from a journal issue, a single chapter from a book, or a similarly small part of a work. NOTE: The fact that some courts have upheld copying only 10% of a work as a kind of safe harbor can be helpful, but it is important to note that this percentage is only a guideline. *The law does not indicate a specific size, number of pages, or percentage of the total work that may be copied.* Relying on even a commonly-accepted percentage does not replace the need to weigh all four factors of fair use in light of the pedagogical need.

6. When a longer text is needed, faculty consider these options:
 - Putting the original on the reserve shelf in the library,
 - Using less of the text,
 - Using a different text, or
 - Making the book a required text for student purchase
7. PDFs are posted in MU Learn and are therefore limited to students enrolled in the class.
8. The instructor includes a Fair Use Cover Sheet (see Appendix A) as the first page of the scanned material.
9. If available, the instructor includes the original copyright notice in the scan or copy, that is, the word “Copyright” and/or the © symbol + year of publication + copyright holder name, usually found on the back of a book’s title page
10. If the original copyright notice is not available, the following statement on the Fair Use Cover Sheet will suffice:

“This material may be protected by copyright, Title 17 of the U.S. Code.”

Linking to Online Sources

The above practices only apply to making paper or digital *copies*. If you can link to free and licensed online resources, please do so. Because linking to sources does not make a copy, it usually presents no copyright concern. In fact, when providing access to much licensed online material—EBSCOhost content, for example—linking is actually required because posting PDFs usually constitutes distribution and violates the license agreement.

PUBLIC PERFORMANCE AND DISPLAY OF MEDIA

Media Performance and Display by Educators

Another important limitation on the exclusive rights of copyright holders can be found in the [U.S. Copyright Law Section 110](#), *“Limitations on exclusive rights: Exemption of certain performances and displays.”* This section broadly defines how works may be performed and displayed for educational purposes in nonprofit educational institutions. The following are not infringements of copyright:

Face-to-face teaching activities as prescribed by section 110(1): Audio and visual works (hereafter, “media”) may be performed or displayed in a classroom for face-to-face instruction without prior permission of the copyright holder if the work is lawfully made and obtained. This would include videos on which the “Home use only” restriction is noted. These restrictions are insufficient to override the rights of teachers under section 110(1).

Transmitted (distance) teaching activities as prescribed by section 110(2), a.k.a. “TEACH Act”: The Technology, Education and Copyright Harmonization Act (TEACH Act) is not a separate law but an amendment to Section 110(2) of the Copyright Act. When deciding whether or not to transmit performances and displays of copyrighted materials, such as those used in online courses, it is helpful to assess the following:

- Is permission required from the copyright holder?
- Does the proposed use constitute a fair use as outlined in Section 107 of the Copyright Act? If so, the instructor can rely on fair use, not the TEACH Act.

- Does the proposed use fit within the transmission performance and display exception (Section 110(2)) of the Copyright Act? All the following requirements must be met in order to successfully fit this exception.

NOTE: The preceding three questions were used by kind permission of North Carolina State University's [Copyright and Digital Scholarship Center](#).

TEACH Act Criteria:

1. The use of the work is conducted by the instructor and is directly related to course content.
2. Only the portions of the work that achieve the pedagogical goals of the course are shown.
3. Storage of digital media is “transient or temporary,” that is, stored no longer than is reasonably necessary to facilitate mediated instructional activities essential for the course, directed by the instructor, and with availability limited to students officially enrolled in the course.
4. The duration of a digital work is equivalent to that typically shown during a live classroom session.
5. Students are informed that materials are protected by copyright and may not be further distributed.
6. Members of the MU community do not interfere with technological measures implemented by the copyright holder to prevent copying.
7. Access to the work is limited to enrolled students.
8. MU implements technological controls to limit the possibility of infringement by further copying and distribution.

For further guidance, please see the [University of Texas Libraries TEACH Act discussion](#).

MU Chapels and Other MU Religious Assemblies: [Section 110\(3\)](#) allows the performance of a non-dramatic literary or musical work or of a dramatic-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly.

POLICIES FOR OTHER PUBLIC PERFORMANCES UNRELATED TO TEACHING

Multnomah University adheres to the following policies with regard to copying material for public performances unrelated to teaching:

1. Multnomah University purchases annual renewable licenses which, within limited guidelines, allow the copying and performance of copyrighted musical compositions.
2. Words and music for worship that are reproduced in any format (for example, on paper or projected) must be covered by the license agreements. Most, but not all, of the music or words used in worship on the MU campus are covered in an agreement with one of the licensing agencies, Christian Copyright Licensing, Inc. (CCLI). The appropriate MU license number must appear with the music and words.

3. Occasionally words and music are not covered by the license agreements MU has purchased. In these cases, words and music may be reproduced only if permission has been obtained.
4. Organizations not affiliated with MU but conducting events on the MU campus must make their own provision for copyright compliance. They are not covered under MU license agreements.
5. Information about MU copyright licenses may be obtained from the Music Department Office Manager who manages the licenses and reports media usage to licensing organizations.
6. For a variety of reasons it is often not practical or convenient to use printed resources for events (example: instrumental accompaniments found in larger collections). At those times, MU faculty, staff and/or students may create what are often referred to as “convenience copies.” These reproductions are not to exceed the number of original and legally obtained resources.
7. Musical groups for MU events or events sponsored by MU or led by MU employees must comply with copyright laws. For example, only legal copies of music for such events may be used in MU performances and/or chapels.
8. Licensing agreements that permit music performance and the reproduction and/or distribution of music performance are two different things. Permission to reproduce and/or distribute copyrighted recorded music must be obtained separately as a mechanical license.
9. Copies of printed words and music to be used in MU educational settings may also be subject to copyright law. Copies for classroom use may be permitted under the fair use provisions of that law. Please consult the guidance about fair use provided in this policy.
10. Showing a “home use only” video solely for entertainment purposes in a public venue on the grounds of Multnomah University requires special permission from the copyright owner or a purchased license from an authorized media distributor. Violation of these guidelines may constitute copyright non-compliance and is subject to prosecution.

Special note regarding musical arrangements: public domain words and music are not subject to copyright law. Most often, this applies to works originating prior to 1923, but does not include derivative versions based on the original (such as recently edited versions of early music compositions).

SEEKING PERMISSION

NOTE: The following section was adapted from the *Corban University Copyright Guide* and used by permission.

Determining when permission is required

The following general guidelines should be followed by Multnomah University staff and faculty to determine whether permission is needed to reproduce, distribute, modify, display, or perform a particular work:

1. Is the work in the public domain? See page 3 for a definition of public domain. Works in the public domain have no copyright restrictions.
2. Is the work subject to a license agreement? Check the item itself and any accompanying documentation. The terms of the license agreement generally supersede copyright law.
3. If the work is protected by copyright, has permission for your intended use already been granted by the copyright owner?
 - If you wish to provide copies of magazine or journal article for a nonprofit use, check the copyright page of the journal issue/volume, or the publisher's Web site, to see if the publisher has already granted permission for non-profit uses.
 - If you are the author of a journal article, visit [RoMEO](#), a searchable database of publisher's policies regarding the self- archiving of journal articles on the web and in Open Access repositories to determine whether the publisher automatically grants permission for your use.
 - Documents marked with the following symbols automatically grant permission for certain uses. For more information, see <http://creativecommons.org/>.



4. If the work is not in the public domain, is your intended use justified by Fair Use or another exemption? See the preceding section on Fair Use or the Copyright Basics section, summarizing Sections 107, 108, 109, and 110.
5. If none of the above applies, you must get permission via a rights licensing organization or directly from the copyright holder. See “Staff Seeking Permission for Work-related Use of Copyrighted Material” below. Faculty, please adhere to the following permissions procedure.

Faculty Seeking Permission for Teaching-related use of Copyrighted Material

Faculty who have already considered and dismissed the alternatives outlined in number 6 of the “Best Practices for Copying for Educational Purposes” section and have determined that their use may exceed fair use, may submit a permission request via email to the faculty copyright coordinator (Suzanne Smith) at least six weeks prior to the time the material is needed for a course. Suzanne will

seek out permission on a case-by-case basis from the Copyright Clearance Center. If the fee is reasonable, permission will be acquired and confirmation of permission will be sent to the faculty member in the form of a “Permission Granted Cover Sheet” (see Appendix B) which will be posted with the material in question in MU Learn. Ongoing evaluation of permission-seeking workload and permission fee affordability is recommended.

Staff Seeking Permission for Work-related Use of Copyrighted Material

The following steps are meant to offer a general framework for staff departments which may already have existing permission policies and/or procedures:

1. Seek permission through a collective rights licensing organization, such as:
 - General:
Copyright Clearance Center (<http://www.copyright.com>) or one of the agencies listed below.
 - Music:
American Society of Composers, Authors and Publishers, <http://www.ascap.com/licensing>
Broadcast Music, Inc., <http://www.bmi.com/licensing>
SESAC, http://www.sesac.com/licensing/obtain_a_license.aspx
 - Films:
Motion Picture Licensing Corporation, <http://www.mplc.org>
 - Plays:
Dramatists Play Service, Inc., <http://www.dramatists.com/text/licensing.html>
Baker’s Plays, <http://www.bakersplays.com>
2. If the rights holder has not already contracted with a collective rights licensing body, identify the copyright holder. Many works provide this information in a copyright notice on the item itself. The records of the U.S. Copyright Office may be searched at <http://www.copyright.gov>. Stanford University Library also makes available a database of copyright-renewal records at: <http://collections.stanford.edu/copyrightrenewals>.
3. If the copyright holder can be identified and they have a Web site, look for permission instructions on there. If the copyright holder does not provide instructions, send a written letter as shown in Appendix C, “Sample Permission Request Letter.”
4. The copyright holder may decide to charge you for permission. You are free to negotiate the price. Permissions received through agencies will almost certainly come with a non-negotiable fee.
5. Keep records of all correspondence. If you receive oral permission from the copyright holder, follow up with a written confirmation.

6. It is good form to publicly thank copyright holders for permissions received. This is often done in an acknowledgements section of the new work you create or publish.
7. Note that failure to receive permission (for example, when the copyright holder does not respond to your request) does not justify the use of a work.

INTELLECTUAL PROPERTY AT MULTNOMAH UNIVERSITY

NOTE: The following section was adapted from the *Corban University Copyright Guide* and used by permission.

Work Made for Hire

Section 101 of the Copyright Act defines “work made for hire” as “a work prepared by an employee within the scope of his or her employment.” Administrative reports, committee minutes, the university catalog and magazine, this copyright guide, and software programs written by employees for university activities are all examples of works “made for hire.” The university holds the copyright to such works.

An important exception to this general rule is that most institutions do not consider “work for hire” to apply to traditional scholarly works by faculty. Therefore, books, articles, musical compositions, art, course notes, syllabi, lectures, and exams belong to faculty. Of course, the university and the faculty or staff member may enter into an agreement at any time to reassign some or all of these rights in particular cases, by creating a license for reasonable and customary academic uses of these works for the benefit of the University community.

Independent Contractors

University administrators are advised to consider the question of copyright when using the services of independent contractors. Independent contractors are generally not considered employees for copyright purposes, and thus their work is not “made for hire” unless there has been an explicit agreement designating it as such written and signed prior to the work being created. For example, a film production company hired to make a promotional film about the university will retain copyright of that film unless it assigns the copyright to the university. Before such projects begin, it is advisable that the rights assigned to the university be clearly stated in writing.

MANAGING YOUR COPYRIGHT

NOTE: The following section was adapted from the *Corban University Copyright Guide* and used by permission

Contracts with publishers

When your book, article, image, or other work is accepted for publication, the publisher will give you a contract to sign. This contract usually transfers to the publisher all copyright of your work. The publisher is granted not only the exclusive right to publish your work, but also the exclusive right to enter into contracts or give permission for future uses of your work (such as its inclusion in a product such as *JSTOR*, its re-publication, or use by individual people) and to charge permission fees for such uses. Once you transfer your copyright to a publisher, even you, the author, must seek the publisher’s permission for uses beyond what is permitted by fair use and the other exemptions

specified in the law. Also, publication contracts often grant back to authors certain rights to reuse their own work in teaching, in subsequent publications, an/or online. It is important to read these agreements, and to retain a copy, in order to fully understand your rights.

Some publishers permit professors and students to freely copy works or parts of work for many academic uses. Other publishers have restrictive policies and require high permission fees. Consider the model you want to support. Copyright is one consideration among many to bear in mind when deciding which publishers to consider for your own publications.

This is not to say that publishers who charge permission fees are acting unfairly. Each publisher has a legitimate interest in how the works it publishes are made available and used, and at what price. Copyright law is concerned with balancing the interests of copyright holders and users of copyrighted works, in order to “promote the progress of science and the useful arts” (see the “Copyright Basics” section on page 1). The better you understand copyright law, the better equipped you are to encourage publishers to maintain this balance.

Although it may prove difficult, you are entitled to negotiate the contract. Depending on the circumstances, you may want to assign to a publisher only specific exclusive rights the publisher needs, but not the entire copyright. For example, you might assign the right to publish your article in a scholarly journal, but reserve the right to make your article available on the Web in a publicly accessible archive after a certain length of time has passed.

Copyright Notice and Registration

It is no longer necessary to use a copyright notice or register your copyright to preserve it, but there are definite benefits to doing both:

- People who are unaware of the change in the law may misinterpret the lack of a copyright notice as an indication that copyright is not claimed and the work is in the public domain.
- If you want to encourage people to seek your permission for uses beyond what the law grants them, you should make it possible for them to find out who you are and how you may be reached.
- You must register your copyright with the U.S. Copyright Office before you can file a lawsuit for infringement. In addition, if you register before an infringement or within three months after publication, you may be able to recover your attorney’s fees and statutory damages.

A proper copyright notice consists of three elements: the word Copyright and/or the symbol ©, the year of first publication, and the name of the copyright owner. The © symbol by itself is not sufficient in most cases. For more information go to <http://www.copyright.gov/circs/circ03.pdf>.

To register your copyright, follow the instructions provided by the U.S. Copyright Office at <http://www.copyright.gov>. As of May 2013, the online registration fee is \$35.

Granting Permission

As a copyright holder, you may assign or license all or some of your rights to others. For example, you may decide to allow unlimited copying and distribution of your work with the proviso that the uses made of it be strictly non-commercial. Or, you may allow one theatre club to perform your play but not give permission to other clubs.

If you retain copyright to your work, consider marking it with a Creative Commons license in order to provide potential users with information about the types of uses you are willing to grant automatically. This will obviate the need for the user to get in touch with you to ask permission for those uses, and may help make your work more widely known and used. For more information, please consult <http://www.creativecommons.org/license>.

Joint copyright

You may hold copyright jointly with other creators or authors of a work. In such cases, the joint creators each hold an equal share in the copyright, regardless of contribution, and, unless the parties agree otherwise, each is free to exercise their rights independently. This includes the right to grant non-exclusive licenses to third parties, as long as any profits received are shared equally. One joint creator can even assign his or her copyright to a third party, in which case the other creators would be joint copyright holders with that third party. So whenever you participate in the work of joint authorship, you are advised to consider the copyright question carefully; you and your colleague(s) should put your copyright agreement in writing, before the project begins.

DIGITAL MILLENNIUM COPYRIGHT ACT POLICY

The Digital Millennium Copyright Act of 1998 provides recourse for owners of copyrighted materials who believe their rights have been infringed upon over the Internet. This Act also prohibits the bypassing of any encoding technologies on proprietary media such as DVD, CD-ROM, Blu-Ray, etc.

Multnomah University does not scan its network for copyright violations but only responds to such notifications as is required by law. Additionally, Multnomah University utilizes web filtering software and hardware to block peer to peer file sharing sites.

In addition to the requirements of the DMCA, Multnomah recognizes that the reauthorization of the Higher Education Opportunity Act, H.R. 4137, includes requirements to help reduce illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing. The three components that are required to be addressed concerning the distribution of copyrighted materials and Multnomah's response to these requirements are as follows:

1. Make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that Multnomah University will take to detect and punish illegal distribution of copyrighted materials.

Students will be asked to read our acceptable use policy as well as our policy and procedures regarding the Digital Millennium Copyright Act (DMCA). An acknowledgement of reading these will be required to access the Multnomah network.

2. Certify to the Secretary of Education plans to effectively combat the unauthorized distribution of copyrighted material.

Multnomah uses web filtering technologies to block P2P traffic and websites.

3. Offer alternatives to illegal file sharing “to the extent practicable”.

A comprehensive list of legal alternatives for downloading is maintained by Educause and can be found here: <http://www.educause.edu/legalcontent>

4. Identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

Our web filter devices, along with educating our students is why we have received no peer to peer file sharing takedown notices over 5 years. Should we begin to see an increase in notifications, we will take immediate steps to address the situation.

Appendix A

Fair Use Cover Sheet for Course Readings
Multnomah University

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COMPLETE CITATION:

COURSE NAME:

NOTICE FOR STUDENTS:

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This document is provided to Multnomah University students enrolled in this course so that they can achieve the educational goals of the course. I selected these specific pages because they are the most appropriate, relevant and timely materials to meet those educational goals.

_____, Multnomah University Professor

_____ Date Assessed for Fair Use

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Appendix B

Permission Granted Cover Sheet for Course Readings
Multnomah University

Course name: _____

Semester : _____

Instructor (print): _____

Date: _____

Full Citation of this text:

Notice

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Signature of instructor

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Appendix C

Sample Permission Request Letter

Multnomah University

[if sending via postal mail, include a self-addressed, stamped envelope]

[date]

[copyright owner's or agent's name and address]

Dear [copyright owner or agent]:

I am writing to ask your permission to use [give full citation of the work] for the purpose of [describe the intended use in sufficient detail].

Please complete and return this form to me at your earliest convenience. Thank you very much for your consideration.

Sincerely yours,

[your name, position, and contact information]

I do _____ do not _____ grant permission for my work to be used for the purpose stated above.

Name _____

Signature _____

Date _____