

AZUSA PACIFIC UNIVERSITY

POLICIES AND PROCEDURES

Title:	Copyright Compliance Policy
Policy Number:	PO2010023
Replacing Policy Number:	No prior policy
Effective Date:	February 9, 2010
Issuing Authority:	Office of the President
Responsible Office:	Office of the General Counsel
Date of Amendment(s):	February 1, 2013; July 11, 2017

Rationale

Azusa Pacific University is committed to providing an academic environment that fosters the development of new knowledge. As a matter of principle and through our practices, the University encourages the research and teaching activities of its faculty, students, and staff. The University has a strong commitment to the protection of intellectual property rights. Respect for the rights of copyright holders and the copyright laws of the United States is critical in today's electronic environment, where copyrighted works are particularly vulnerable to misuse and unintended distribution. Federal Legislation is evolving and the law is likewise developing through the United States Courts. The University's policy supports academic goals and values in a time of changing laws and information technologies. APU's policy is predicated on the belief that accurate information about copyright encourages the proper use of copyrighted materials, eliminates common misconceptions, and reduces the peril of individuals and institutional risk.

Policy Statement

The University expects all administrators, faculty, students, volunteers, and students to abide by the Copyright Compliance Policy and to be familiar with federal copyright laws and licensing provisions relevant to their academic use of copyrighted materials, whether they obtain those materials through University-provided electronic resources or databases, or independently through other sources. The reputations of the University and the members of its community are strengthened and enhanced by copyright compliance. All members of the University community must understand that copyright infringement may have serious consequences, and there can be consequences arising from a legal infringement action, including significant personal liability and internal disciplinary action.

Therefore, all members of the APU community, including faculty, staff, students, administrators, and volunteers are required to avoid actions that constitute an infringement of a third party's copyright. The university agrees to defend legal actions brought against members for alleged copyright violations which occur in the course of carrying out their responsibilities for the university, provided that such members acted in

good faith by following the guidelines referenced below, the legal advice of the Office of General Counsel, and the direction provided by university officials regarding their department procedures, including the University Libraries' guidance concerning the use of its copyrighted resources and the University's Copyright Compliance Checklist. Members who disregard the foregoing place themselves individually at risk of liability and, in such cases, the university may decline to defend the individual.

Good faith is presumed when, prior to making use of any copyrighted work, the member (1) reviews the policy and the Copyright Compliance Checklist (a copy of which is available on the APU website) and, in cases where the faculty member is not sure if the contemplated use of copyrighted material comports with copyright requirements, (2) completes the University's Copyright Compliance Checklist, submits it to the University Libraries, and follows the suggestions of the University Libraries and any legal advice provided by the Office of the General Counsel.

Reason for Policy

Background: The U.S. Copyright Act (17 U.S.C. §§ 101 and following) protects authors of "original works of authorship," including both published and unpublished works. The scope of protected works is very broad and includes nearly all forms of captured content, including, but not limited to books, photographs, architectural drawings, music, sculpture, dramatic works, video, motion pictures, electronic media, software, multimedia works, and databases.

The rights of an author or an owner of the copyright in a work are not absolute or a complete monopoly granted by law. All such rights can be subject to the "fair use" exception found in 17 U.S.C. § 107 of the Copyright Act. Further information about the "fair use" exception can be found under the Copyright Resources listed below.

Further, certain works lie in what is known as the public domain and are available to be freely copied without permission.

The penalties for infringing the copyright for another can be very significant, including up to \$150,000 for each separate act of willful infringement plus attorneys' fees. Further, university employees can be held personally liable for infringing acts. Accordingly, it is incumbent upon all members of the APU community, including faculty, staff, students, administrators, and volunteers to avoid actions that constitute an infringement of a third party's copyright. Each of the links noted below are intended to assist members of the APU community in complying with federal copyright law. In addition, those who are unable to find guidance relevant to their situation may contact the University Libraries and the Office of the General Counsel.

Definitions

Owner's Rights: The owner of a copyright has the exclusive right to do and to authorize others to:

- Reproduce the work in copies or other media
- Distribute copies or other reproductions of the work
- Perform the work publicly
- Display the work publicly
- License the work
- Prepare derivative works based upon the work.

Public Domain Works: The following works are generally considered to be in the public domain:

- Works created and published approximately a century ago¹;
- Works where the creator has expressly disclaimed a copyright interest; and
- Works created by the federal government (e.g., Congressional Hearing Reports)

Reporting Alleged Copyright Infringement: Azusa Pacific University has designated an agent to receive notifications of alleged copyright infringement in the apu.edu domain. If you believe your copyrighted work is being infringed on an Azusa Pacific University site, please notify the Office of the General Counsel.

E-mail: cjennings@apu.edu
 Phone: (626) 387-5763
 Fax: (626) 815-4689
 Surface Mail: Office of the General Counsel
 Azusa Pacific University
 901 E. Alost Avenue
 P.O. Box 7000
 Azusa, California 91702-7000

In notifying us of the alleged copyright infringement, please be sure to include the following information:

- a description of the copyrighted work that is the subject of the claimed infringement (if multiple works are being infringed at a single site, a representative list of such works is adequate);
- a description of the infringing material and information sufficient to permit us to locate the material;
- contact information for you, including your address, telephone number and/or e-mail address;
- a statement by you that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law;

¹ Pursuant to changes made by the Copyright Term Extension Act of 1998 (Pub. L. No. 105-298), the term of a copyright is now life of the author plus 70 years, and for corporate, anonymous, or pseudonymous works it is 95 years from the year of first publication, or 120 years from the year of creation, whichever is first.

-a statement by you, signed under penalty of perjury, that the information in the notification is accurate and that you have the authority to enforce the copyrights that are claimed to be infringed; and

-a physical or electronic signature (i.e., first name, last name, title) of the copyright owner or a person authorized to act on its behalf.

Copyright Law Resources [links]:

Federal law -- <http://www.copyright.gov/>

Copyright Compliance Checklist – <http://www.apu.edu/library/services/copyright/>

Bookstore Procedures -- <http://www.bookstore.apu.edu/faculty.asp?>

Duplicating Services -- <http://www.apu.edu./campusauxiliary/printandbindery/>

Software Copyright --
<http://www.apu.edu/imt/policiesandprocedures/softwarecopyright/>

Peer-to-peer file sharing policy--
<http://www.apu.edu/imt/policiesandprocedures/peer/>

American Library Association -- <http://www.ala.org/advocacy/copyright-tools>

Library Procedures -- <http://www.apu.edu/library/services/reserves/electronic/>

Cornell Digital Literacy Program -- <http://courses.cit.cornell.edu/digitalliteracy/>

Center for Social Media (Code of Best Practices in Fair Use) --
<http://cmsimpact.org/program/fair-use/>

Stanford University Copyright and Fair Use Web Site -- <http://fairuse.stanford.edu/>

Copyright Crash Course – <http://copyright.lib.utexas.edu>