

**TRI-COUNTY TECHNICAL COLLEGE
STATEMENT OF POLICY**

POLICY NUMBER: 1-8-1010

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POLICY TITLE: Reproduction of Copyrighted Print and Non-print Materials

**RELATED POLICIES
AND PROCEDURES:** 1-8-1010.1, Reproduction of Copyrighted Print Materials
Procedure
1-8-1010.2, Reproduction of Copyrighted Non-print
Materials Procedure

**ADMINISTRATIVE
RESPONSIBILITY:** Senior Vice President

July 1, 2004

September 4, 2015

September 4, 2015

**DATE APPROVED BY
AREA COMMISSION**

DATE LAST REVIEW

DATE LAST REVISION

Tri-County Technical College recognizes and supports the rights of authors or producers of materials as defined in Public Law 94-553, Section 101, Title 17 of the United States Code entitled "Copyrights." As stated in Section 106, the law awards to the owners of copyrights exclusive rights, subject to Sections 107 through 118, to do and to authorize any of the following:

- (1) to reproduce the copyrighted work in copies or phonorecords;
- (2) to prepare derivative works based upon the copyrighted work;
- (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly; and
- (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a

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motion picture or other audiovisual work, to display the copyrighted work publicly.

- (6) in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

The college resolves that it will not, through this policy nor any other, deliberately infringe upon those rights or will it knowingly allow deliberate infringement by its employees in conjunction with their employment. However, Tri-County Technical College acknowledges the needs of its faculty, staff and students for reasonable access to information for educational, scholarly, and research use. Acknowledging those needs, the College further resolves to promote the full exercise of the rights the law provides for the making of copies without permission from or payment to copyright holders as described in Section 107, entitled "Limitations on exclusive rights: Fair use."

Notwithstanding the provisions of **sections 106 and 106A**, 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.