New Jersey City University
Copyright Policy & Related Guidelines

Revised August 30, 2004
This policy is subject to periodic review by the University and is periodically updated.

New Jersey City University
Copyright Policy

Introductory Statement

A primary goal of University life is to promote and foster the exchange and development of ideas and information. Consequently, such intellectual and academic exchange brings members of the University community into daily contact with the expressions of ideas embodied in various formats of print, audio, video, and digital expression. In response to this exchange of ideas, members of the University community witness or participate in the production as well as the consumption of such expression, whether one is participating in the traditional classroom, attending a University wide lecture or film, or taking or teaching an online course.

Simultaneously with providing an environment that nurtures the discussion and development of intellectual ideas and their expression, New Jersey City University recognizes and respects intellectual property rights, "ownership" of original works. It is the policy of the University to follow the United States Copyright Law of 1976, as amended (Title 17, United States Code and hereinafter referred to as "The Copyright Act"). In particular, the University Copyright Policy, by its existence, meets one of the numerous requirements of the TEACH ACT (The Technology, Education, and Copyright Harmonization Act of 2002 or Sec. 13301 of the 21st Century Department of Justice Appropriations Authorization Act) thereby permitting use of *certain* copyrighted materials, without permission by faculty and students, in distance education courses.

Scope and Coverage

Only copyrighted materials are subject to the restrictions and guidelines in this Policy**.** All faculty, professional staff, support staff, managers, and students of the University are expected to adhere to the University guidelines in regard to copyright issues and concerns outlined below.

Definition of Copyright

Federal law Title 17, (United States Code) automatically gives copyright protection to "original work authorship" at the moment the work is "fixed in a tangible medium". Generally, copyright belongs to the person, who authors or creates an original work that is fixed in a tangible medium of expression. Works of authorship include the following:

a. Literary works;
b. Musical works, including any accompanying words;
c. Dramatic works, including any accompanying music;
d. Pantomimes and choreographic works;
e. Pictorial, graphic, and sculptural works;
f. Motion pictures and other audiovisual works; and
g. Sound recordings

b. Fair Use

Section 107 of The Copyright Act provides that the Fair Use of a copyrighted work, including such use by reproduction in copies for purposes such as criticism, comment, new reporting, teaching, scholarship, or research, is not an infringement of copyright. Any use in excess of Fair Use requires copyright permission and/or royalty payments or licensing fees to copyright owners. There are four factors involved in determining whether the use made of a work in any particular case is a fair use:

1. The purpose and character of the use, including whether such use is of a commercial natucen49sTj-0.0004.7rr Tw10.02 486.94141 746.82001 l the Fair Usec -.7486

displays of copyrighted works as part of a cour1 if certain condit Uss are met. If the1 condit Uss are s2t or cans2t be m

Liability and Enforcement

New Jersey City University requires faculty, staff, and students to comply with all laws regarding copyright. Members of the University community desiring to use copyrighted materials are individually responsible for making an initial good faith determination as to whether the desired use falls within the fair use exemption and to obtain permission of copyright owners in cases where such permission is required under the law.

Violation of this copyright policy by employees and students of New Jersey City University may result in disciplinary action in accordance with applicable University policies and procedures (e.g. g,.999 0 th

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TEACH Act Guidelines

The Technology, Education and Copyright Harmonization (TEACH) Act , which was signed into law on November 2, 2002, revises the section of the U.S. Copyright Act that governs the use of copyrighted material for educational purposes. It both modifies and clarifies the ways in which copyrighted material may be used in certain instances in distance education. In order to make use of the new provisions granted under the law, educational institutions must meet the following requirements:

University Requirements

- Be an **accredited** nonprofit educational institution or governmental body
- Have a **copyright policy** in place that addresses the use of copyrighted materials and promotes compliance with U.S. copyright law
- Provide **informational materials** regarding copyright to faculty, staff, and students
- Provide **notice to students** when "materials used in connection with courses may be subject to copyright protection"
- **Limit the transmission** of course content only to students officially enrolled in course
- Implement reasonable measures to prevent retention of the works for longer than the class session
- Implement reasonable measures to **prevent further dissemination of materials**

Faculty Requirements

- Ensure that **work is lawfully made and acquired**
- Ensure that materials used are an **integral part of "mediated instructional activities"** and **directly related and of material assistance to the teaching content**
- Ensure that **the work is of the type allowed by law:**
  - Non-dramatic literary work **(may use all)**

- Non-dramatic musical work **(may use all)**
- Performances of any other work, including dramatic works and audiovisual works **("in reasonable and limited portions")**
- Displays of any work **"in an amount comparable to that which is typically displayed in the course in a "live classroom setting"**

- **Convert analog works to digital only** under the following conditions:
  - **No digital version of a work is available** to the institution
  - The digital version that is available is **subject to technological measures that prevent its use for distance education.** Faculty are strongly encouraged to consult with technical staff in the Academic Computing Department and the Department of Information Technology Services to determine if this condition has been met.

The full text of the TEACH Act is available at:
http://www.copyright.gov/legislation/pl107-273.html#13301

Additional TEACH Act References

American Library Association
The TEACH Act and Distance Education
http://www.ala.org/Template.cfm?Section=Distance_Education_and_the_TEACH_Act&Template=/ContentManagement/ContentDisplay.cfm&ContentID=25939

The TEACH Act Tool Kit
An Online Resource for Understanding Copyright Law and Distance Education
http://www.lib.ncsu.edu/scc/legislative/teachkit/index.html

University of Texas System
The Teach Act Finally Becomes Law
http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm

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New Jersey City University
Copyright Guidelines for Library Services

Notice: This material may be protected by Copyright
Law (Title 1

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copyina

Under certain conditions specified in

New Jersey City University
Peer-to-Peer (P2P) Policy & Procedures

What is P2P?

Peer-to-peer (P2P) programs are file-sharing programs designed for the easy transfer of information between individuals over the Internet. P2P file sharing applications allow individuals to set up a computer so that other people can access whatever files are made available to them. In turn, all resources available on other peers become available to the individual. Examples of P2P programs are, KaZaA, Gnutella, Blubster, eMule, Grokster, and Direct Connect.

P2P Legal & Practical Issues

Copyright

The greatest problem with P2P systems is that consumers may be violating copyright laws by sharing copyrighted materials via these programs. Providing or obtaining copyrighted material (e.g. music, movies, videos, text, etc.) without permission from the rightful owner violates the United States Copyright Act and university policy. While it is true that a number of artists have allowed their creative works to be freely copied, those artists remain very much the minority. It is best to assume that all works are copyright-protected except those that explicitly state otherwise.

Network Capacity

The propensity of P2P clients to engage in "protocol chatter" with other clients on the network generates so much network traffic that they adversely affect network performance for users who share the same local network. Running P2P services burdens the University network and the Internet interface, especially when the server is popular and processing excessive, high-volume transfers of files.

Network Security

Another serious problem with setting up a P2P server is the possibility of opening a security hole for hackers, allowing them access to the computer and the University network. Peer-to-peer file sharing applications differ in how much security they provide, but generally it is minimal. The risk is further exacerbated by poor design and implementation of some of these services that are rushed to the market with little or no testing.

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Resources

Copyright—Web Based Resources

American Library Association Washington Office: Distance Education
http://www.ala.org/Content/NavigationMenu/Our_Association/Offices/ALA_Washington/Issues2/Copyright1/Distance_Education_and_the_TEACH_Act/Distance_Education_and_the_TEACH_Act.htm

Digital Millennium Copyright Act of 1998, U.S. Copyright Office Summary
http://www.loc.gov/copyright/legislation/dmca.pdf

Digital Millennium Copyright Law (complete text)
http://image2.workbookstock.com/wbol/andmore/dmca.pdf

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Strong, William S. (1993). *The copyright book: a practical guide*, 4th ed. Cambridge, Mass.: MIT Press.
KF2994 .S75 1993 (First Floor, reference collection)

Talab, R. S. (1999). *Commonsense copyright: a guide for educators and Librarians*, 2nd ed. Jefferson, NC: McFarland & Co.
KF2994 .T36 1999 (Third Floor, circulating collection)

Thall, Peter M. (2002). *What they'll never tell you about the music business: the myths, the secrets, the lies (& a few truths*). New York, NY: Watson-Guptill Pub.
ML3790 .T44 2002 (Fourth floor, circulating)