



## Magdalen College of the Liberal Arts Copyright Policy

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Magdalen College adheres to Copyright Law and Fair Use Guidelines as outlined below. College policies are made available each year to incoming and returning students via the Student Handbook, through community emails, and on the Student Consumer Information webpage.

The college's copyright policy is based upon [United States Copyright Law, Title 17, U.S. Code, 1976](#). The copyright law of the United States governs the making of photocopies or other reproductions of copyrighted material. Our policies are based on careful review of the law itself, the [Fair Use of Guidelines of 1997](#), the [TEACH Act of 2002](#), the [Digital Millennium Copyright Act](#), and the [DMCA exemptions of 2006](#).

### **Copyright Law**

*Title 17, U.S. Code*, defines the right of authors and creators of original works to control the use of their work. The following materials are covered by copyright law:

- Literary, musical and dramatic works.
- Pantomimes and choreographic works.
- Pictorial, graphic and sculptural works.
- Sound recordings.
- Motion pictures and other AV works.
- Computer programs.
- Compilations of works and derivative works.
- Architectural works.

Use of an author or creator's work during the term of the copyright requires either permission from the author or reliance on the doctrine of fair use. Failure to do one or the other will expose the user to a claim of copyright infringement for which the law provides remedies including payment of money damages to the copyright owner.

### **Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws**

Unauthorized distribution of copyrighted material, including peer-to-peer file sharing, may subject a student to civil and criminal liabilities.

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute

a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For general copyright information, visit the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov) especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq)

### **Resources for Legal Downloading**

Peer-to-peer (P2P) or Torrent file sharing of copyright material is illegal. EDUCAUSE maintains the following page of legal downloading alternatives: [www.educause.edu/legalcontent](http://www.educause.edu/legalcontent)

### **Fair Use**

Fair use is a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances. [Section 107 of the Copyright Act](#) provides the statutory framework for determining whether something is a fair use and identifies certain types of uses—such as criticism, comment, news reporting, teaching, scholarship, and research—as examples of activities that may qualify as fair use.