

**SUBJECT:** Academic Affairs

**POLICY:** 201.1 Copyrighted Materials

**RELATED PROCEDURE:** 201.1.1

**EFFECTIVE:** **REVISED:** July 2010

**REVIEWED:**

### **Introduction and Purpose**

Great Falls College MSU (GFC MSU) is committed to compliance with the U.S. Copyright Act of 1976 and with the doctrine of Fair Use established in that Act.

### **Policy**

GFC MSU will respect the intellectual property rights of those who create and publish original works of authorship, whether in written form or in other tangible media of expression. Therefore, the College will authorize reproduction of copyrighted materials only under the following conditions:

1. When permission is obtained from the copyright owner, or
2. When reproduction of copyrighted materials falls within fair use as defined by Section 107 of the Act.

Section 107 of the U.S. Copyright Act lists the various purposes for which the reproduction of a particular work may be considered "fair." Unfortunately, the distinction between "fair use" and infringement is sometimes unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be copied without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

To address the fact that Section 107 did not offer guidance about fair use for classroom purposes, publishing representatives and 38 educational institutions created the *Guidelines from the Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions*, 1976, which state the minimum and not the maximum standards of educational fair use for classroom copying in face-to-face instruction. The Guidelines have been routinely used by the courts in interpreting the "fair use" of copyrighted materials.

To provide guidance to all GFC MSU employees, the 201.1.1 Copyrighted Materials Guidelines are to be used to determine whether copying is within the "fair use" doctrine. Generally, if the copying is not within the Guidelines, permission should be obtained from the copyright owner before any copies are made. There may be circumstances in which the Guidelines are exceeded but the copying may still fall within "fair use." If it is unclear whether copying would require such permission guidance should be requested from the Office of the Legal Counsel.

### **Related Policies**

- The full text and discussion of Reproduction of Works for Educators and Librarians, including the Guidelines, may be accessed at: <http://www.copyright.gov/circs/circ21.pdf>