

Policy Number:

1.3.005

Title:

Copyright Policy

Purpose

To provide guidance regarding copyright policies and fair use as it applies to library collections, services, and users.

Scope

This policy applies to all Thaddeus Stevens College students, faculty, staff and trustees, as well as contractors and third parties who work with Thaddeus Stevens College.

Definitions

Copyright: The legal right that protects original works of authorship from being reproduced, published, sold, or distributed without the creator's authorization.

Fair Use: A legal doctrine that allows limited use of copyrighted material without permission from the copyright holder.

Policy Detail

The Thaddeus Stevens College of Technology's copyright policy complies with and is based on the [Copyright Law of the United States \(Title 17\)](#). This policy serves as a guide to what copyright is, what's allowable by law, and what "fair use" means. This policy statement is not a substitute for legal advice and should not be considered as such.

Per Title 17, "Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device." Copyright protection gives the copyright owner exclusive rights to reproduce the work, distribute copies of the work, perform or display the work publicly, and to prepare derivative works.

All reproductions or use of copyrighted material must comply with the Copyright Law of the United States (Title 17). To be considered copyrighted, the work in question must be an original work of authorship. Examples of copyrighted material:

- literary works
- musical works and accompanying words
- dramatic works and accompanying music
- pantomimes and choreography
- pictures, graphics and sculptures
- movies and audiovisual works
- sound recordings
- architecture

Per Section 107 of 17 US Code (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 other words, under the “fair use” section of the code, it is permissible to reproduce copyrighted material. The determination of “fair use” depends on four factors:

- The purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes.
- The nature of the copyrighted work.
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
- The effect of the use upon the potential market for or value of the copyrighted work.

Generally speaking, students, instructors, researchers may make single copies of an article in a journal, of a book chapter, or any small (less than 10%) section of a work for educational purposes and not-for-profit purposes.

In a classroom or campus setting, showing a copyrighted video in its entirety is acceptable if the use is for teaching or entertainment purposes with a lawfully obtained video. All of the DVDs in the College library collection were lawfully obtained, and the streaming videos we make available are through an educational subscription service called Kanopy.

In some cases, libraries and archives may create reproductions of copyrighted materials without permission of the copyright holder upon request from a patron, but certain conditions and criteria must be met. Library staff will use their professional judgment on this matter when considering requests from patrons.

The Technology, Education and Copyright Harmonization Act of 2002 (the TEACH Act) was adopted by Congress in response to the growing number of distance learning options, allowing for the use of copyrighted materials in certain online educational settings if certain criteria are met. Instructors at nonprofit educational institutions are generally permitted to perform or display works that are copyright protected, so long as they are lawfully made and acquired by the instructor, in an online setting. Generally, nondramatic literary or musical works can be used in their entirety, as well as “reasonable and limited portions of any other work.”

Additionally, the TEACH Act requires schools limit access to these materials within the educational community, distribute a copyright policy, notify students that materials used in a classroom may be subject to copyright protection, and make reasonable attempts to limit students’ ability to make illegal copies of the copyrighted work.

References

U.S. Copyright Office. “Educational Uses.” *YouTube*, uploaded by U.S. Copyright Office, August 24, 2021, <https://www.youtube.com/watch?v=ruV2qn7xyU0>

Copyright Law of the United States (Title 17), <https://www.copyright.gov/title17/>

[What is Copyright? | U.S. Copyright Office](#)

[Copyright Policy | Olympic College](#)

[Measuring Fair Use: The Four Factors - Copyright Overview by Rich Stim - Stanford Copyright and Fair Use Center](#)

[Copyright 101 - Copyright Services - LibGuides at Cornell University](#)

<i>Audience</i>	<i>All College</i>
<i>Effective Date</i>	<i>02/06/25</i>
<i>Date Revised</i>	
<i>Date Reviewed</i>	
<i>Owner</i>	<i>Librarian I, Library Director</i>