



New America College Student Copyright Policy and Procedures

New America College requires students to follow the same copyright policy that applies to our staff and faculty. The policy is as follows:

Copyright Policy and Procedures

General Copyright Policy

New America College recognizes the Copyright Act of 1976, which grants authors, publishers, and creators control over the copying, distribution, and performance of their original works. Copyright is the cornerstone upon which the publishing industry is founded. As such, copyright serves to protect not only the author, but the public which benefits from this protected creativity. New America College recognizes the importance of the Fair Use doctrine (section 107 of the Copyright Act of 1976); all staff and faculty shall be responsible for acquainting themselves with its provisions so that minimum permissible conduct guidelines are followed when copying is done.

Description of Copyright

The copyright law grants owners of copyright (authors and other creators and publishers) the sole right to do or allow others to do each of the following acts with regard to their copyrighted work: to reproduce all or part of the work; to distribute copies; to prepare new (derivative) versions based on the original work; and to perform and display the work publicly.

Copyright protection is available for "original works of authorship fixed in a tangible medium of expression." U.S. copyright protection for works created on or after January 1, 1978, begins at creation and lasts until 50 years after the author's death.

Where the creator of a work is an employee or in certain cases where the work has been specially commissioned as an instructional text, as a test, as answer material for a test, or for other purposes, copyright protection lasts for 75 years from the date of first publication or 100 years from its date of creation, whichever date expires first.

Works created prior to January 1, 1978, are also subject to copyright protection although the duration of copyright may vary from the terms described above.

Copyright protection covers both published and unpublished works. The fact that a previously published work is out of print does not affect its copyright.

About Fair Use

The doctrine of "Fair Use" (section 107 of the U.S. copyright law) in limited situations permits the use of a copyrighted work, including reproducing portions of that work, without the copyright owner's permission. Section 107 of the Copyright Act establishes four basic factors to be examined in determining whether a use constitutes a "Fair Use" under the copyright law. These factors are:

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

No factor is determinative of a person's right to use a copyrighted work without permission. Educational use alone is not sufficient to make the use in question a fair one.

In the legislative history of the 1976 Copyright Act, Congress endorsed certain guidelines relating to classroom copying for educational use. These guidelines are generally considered to establish minimum permissible conduct under the Fair Use doctrine

for unauthorized copying. Fair use may be invoked if the copying is at the instance and inspiration of the individual teacher, and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

The following are the Fair Use guidelines currently in effect:

1. You may make a single copy of any of the following, either for your own research, for use in teaching or preparing to teach a class :a chapter from a book...an article from a periodical or newspaper...a short story, short essay or short poem...a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
2. You may make multiple copies (not more than one copy per pupil in a course) of the following materials for classroom use:
 - Illustration - one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
 - Prose - a complete article, story or essay of less than 2,500 words; a 1,000 word excerpt, or 10% of a longer work.
 - Poetry - a complete poem if less than 250 words and if printed on not more than 2 pages; an excerpt from a longer poem not to exceed 250 words.
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3. You may do the above provided that...
 - you include a notice of copyright
 - you absolutely don't have the time to wait for permission
 - you use the material for only one course in one school
 - there are no more than 9 instances of multiple copies for one course during one term
4. You may make limitless copies of newspapers, current news sections of periodicals, U.S. government works, works in the public domain, and ineligible works, such as tables, slogans, formulas, etc.
5. You may not copy as a substitute for buying books, publishers' reprints or periodicals.
6. You may not repeatedly copy the same item from term to term without permission.
7. You may not charge students beyond the actual cost of the photocopying. Note: Items to be sold should be handled through the bookstore.
8. You may not copy from "consumable" works such as workbooks, exercises, standardized tests and test booklets, and answer sheets.
9. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term without permission [the limitations shall not apply to current news periodicals and newspapers and current news sections of other periodicals]. Note: Many magazines, journals, and books now present their photo-copying policies at the front of each issue.
10. Unauthorized copying may not be directed by higher authority, such as a dean.
11. Be aware that "projectable" copies of copyrighted material in the form of slides, transparencies, overheads, view-foils, etc. may also be protected under copyright law.

Unrestricted Photocopying

Writings published before January 1, 1978, which have never been copyrighted may be photocopied without restriction. Copyright notice requirements have been relaxed since 1978. Registration with the Copyright Office is no longer required for a work to be protected by U.S. Copyright Law, nor is it necessary for the "c" or any other indication of copyright to appear on the work created since March 1, 1989. Writings with expired copyrights may be photocopied without restriction. All copyrights prior to 1906 have expired. Copyrights granted after 1906 may have been renewed, however, the writing will probably not contain notice of the renewal. Therefore, it should be assumed all writings dated 1906 or later are covered by a valid copyright, unless information to the contrary is obtained from the owner or the U.S. Copyright Office.

Unpublished works, such as theses and dissertations, may be protected by copyright. If such a work was created before January 1, 1978, and has not been copyrighted or published without copyright notice, the work is protected under the new act for the life of the author plus fifty years, but in no case earlier than December 31, 2002. If such a work is published on or before that date, the

copyright will not expire before December 31, 2027. Works created after January 1, 1978, and not published enjoy copyright protection for the life of the author plus fifty years.

All U.S. Government publications with the possible exception of some National Technical Information Service Publications less than five years old may be photocopied without restrictions, except to the extent they contain copyrighted materials from other sources. Works prepared by outside authors on contract to the government may or may not be protected by copyright, depending on the specifics of the contract. In the absence of copyright notice, on such works, it would be reasonable to assume they are government works in the public domain. It should be noted that state government works may be protected by copyright. However, the opinions of state courts are not protected.

Procedures for Obtaining Permission to Copy

1. Obtain Name and Address of Publisher. Determine who owns the copyright on the material. The page containing a notice of copyright can help you determine who owns the copyright, the year of publication and the publisher's address. The acknowledgement page may also contain information regarding copyright ownership.

2. Request Permission to Duplicate. A request containing the information listed below should be sent to the permission department of the publisher in question. Provide complete and accurate information regarding the work to be duplicated such as:

- Title, author and/or editor; copyright or publication date and edition of the book in which the materials to be duplicated appear;
- Exact material to be used, giving amount, page numbers, chapters and, if possible, a photocopy of the material and title and copyright page;
- Number of copies to be made;
- Use to be made of duplicated materials and form of distribution (e.g., as course material and whether collected with other excerpts or materials, whether bound or unbound);
- Whether or not the material is to be sold,
- Type of reprint (ditto, photocopy, offset, typeset).

In addition the processing of your request will be facilitated if you:

- Request all permissions for a specific project at the same time;
- Allow enough lead time to obtain the necessary permission before the materials are needed;
- Don't ask for blanket permission, since it cannot, in most cases, be granted;

Remember to include a return address in your request