

The following pages have been extracted from the 2024 – 2025 Mount St. Joseph University Student Handbook, SECTION III – STUDENT SUPPORT SERVICES - LIBRARY

2. COPYRIGHT COMPLIANCE

Mount St. Joseph University recognizes and respects intellectual property rights. As part of its mission to maintain the highest standards for ethical conduct, Mount St. Joseph is committed to fulfilling its moral and legal obligations with respect to the university's use of copyright-protected works.

Article I of the U.S. Constitution authorizes Congress to pass legislation “to promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” On the basis of the Constitution, Congress has enacted the Copyright Act found at Title 17 of the U.S. Code.

As a matter both of moral integrity and of adherence to U.S. copyright law, Mount St. Joseph University sets forth these policies for all employees and students to demonstrate the university's respect for intellectual property and compliance with the law:

- a. No employee or student of Mount St. Joseph University may reproduce any copyrighted work in print, video, or electronic form in a manner that is in violation of U.S. copyright law. If a student or employee of Mount St. Joseph wishes to reproduce a copyrighted work, the best way to ensure the law is not violated is by first receiving express written permission from the copyright holder.
- b. Works are protected by copyright laws in the U.S. even if they are not registered with the U.S. Copyright Office and even if they do not carry the copyright symbol (©). Copyrighted works include, but are not limited to: articles from publications, TV and radio programs, DVDs, CDs, music performances, photographs, training materials, manuals, documentation, software, databases, digital files, and web pages. In general, the laws that apply to printed materials are also applicable to visual and electronic media.
- c. Mount St. Joseph University has obtained an Annual Copyright License for Higher Education from the Copyright Clearance Center, permitting it to make copies of portions of CCC's 1.75 million registered published works. The CCC license permits copies to be distributed to MSJ students and employees for internal use only. More information about the Annual Copyright License is available at CCC's website: <http://www.copyright.com/academia/annual-copyright-license-2/>, and on the Archbishop Alter Library's website: <https://library.msj.edu/copyrightguide>.
- d. For all other copyrighted works, Mount St. Joseph University directs its students and employees to obtain permission from copyright holders directly, or their licensing representative, when the reproduction or duplication exceeds Fair Use.
- e. Mount St. Joseph University designates the Director of Library Services as the copyright officer to administer the university's copyright policy. The Director of Library Services can help determine whether a work is covered by the Annual Copyright License and how to handle any special copyright issues. Questions concerning copyright procedures, including Fair Use, should be addressed to the attention of the library director. To obtain permission to reproduce copyrighted works not covered by the Annual Copyright License or other prior agreements, the employee should contact the rights and licensing department of the copyright holder. Questions on specific procedures should be directed to the library director.

Use of copyrighted material for educational purposes may also in some cases be covered by the Fair Use doctrine of U.S. Copyright Law. When determining whether or not Fair Use covers the use of a copyrighted work, the following factors shall be considered:

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

The fact that a work is unpublished shall not itself bar a finding of Fair Use if such finding is made upon consideration of all the above factors. Furthermore, an educational purpose alone does not necessarily qualify as “Fair Use.”

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

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). The principal rights of the copyright owner are: to reproduce the work (e.g., photocopies, scans, digital files), to prepare derivative works based on the original work, to distribute copies of the work for sale, rental or lease, and to perform the work publicly (e.g., motion pictures, videos, plays). 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 more information, please see the website of the U.S. Copyright Office at www.copyright.gov, especially their FAQ’s at www.copyright.gov/help/faq. For more information about copyright, please visit the copyright guide on the Archbishop Alter Library’s website: <https://library.msj.edu/copyrightguide>.

3. INSTRUCTIONS FOR HANDLING AN INCIDENT OF COPYRIGHT INFRINGEMENT

Mount St. Joseph University encourages its employees to educate their peers and students on copyright compliance. If employees witness a potential copyright infringement, the university encourages the employee to bring the matter to the attention of the individual as well as to the copyright officer named above. Students who illegally duplicate copyrighted works are also subject to disciplinary action up to and including dismissal. See Section IV of the Student Handbook for more information. Examples of copyrighted works include:

- Literary works (e.g., books, magazines, newspapers, cartoons, journals and other periodicals, training materials, newsletters, documentation)
- Web pages, PDFs, e-books, and other digital text files
- Computer software
- Pictures, graphics, and sculptures (e.g., maps, cartoon characters, photographs)
- Sound recordings (e.g., digital audio files, CDs,)
- Architectural works (e.g., blueprints)
- Dramatic works (e.g. plays, screenplays)
- Audiovisual works (e.g. DVDs and digital video files)
- Pantomimes and choreographic works

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