

## **What Students Should Know About Copyright**

### **What is copyright?**

Copyright is a protection afforded under federal law for various types of creative works. A work is copyrightable if it is an original work of authorship fixed in a tangible medium of expression. Copyrightable works include literary, musical or dramatic works; motion pictures and other audiovisual works; choreographic works and pantomimes; sound recordings; and architectural works.

The owner of a copyright in a particular work has the exclusive right to copy, display, perform, distribute, and create a derivative version of the work. Generally, then, this means that you may not do things like duplicate, show or perform a copyrighted work unless it is expressly allowed under the Copyright Act or you have the prior permission of the copyright holder.

A copyright exists in a work at the time it becomes fixed in some tangible medium of expression. Neither registration of the copyright with the federal government nor a copyright notice on the work itself is required for copyright protection.

### **What is copyright infringement?**

Generally, copyright infringement occurs when you copy, display, perform, distribute or create a derivative version of a copyrightable work either without the permission of the copyright holder or when such activity is not otherwise allowed under an exception provided by federal copyright law. The penalties for infringement include significant damages-potentially in excess of \$100,000 for each work infringed as well as criminal penalties, which may include fines and even incarceration.

### **How does copyright law affect information I obtain off the Internet?**

Copyright law covers works in both traditional and new media, including digital media. Copyrightable materials are often available on the Internet without any indication of their copyrighted status. As a rule of thumb, you should assume that everything you find on the Internet is copyrighted, unless otherwise labeled. Even popular activities, such as file swapping or copying software or pictures from the Internet, may be copyright infringement and should be avoided.

The Digital Millennium Copyright Act, which Congress enacted in 2000, affords greater protection for copyright holders of digital works. Generally, then, even if a work appears solely in a digital form, it is likely subject to copyright law protections.

New technology has made many creative works widely available through the Internet. For example, the technology known as Peer to Peer (P2P) allows for the transmission of music, videos, movies, software, video games and other materials-most of which is subject to copyright protection.

Remember that a copyright exists in a work at the time it becomes fixed in some tangible medium of expression. That means that an image you have downloaded from the Internet, as well as a video or musical performance is almost certainly subject to copyright protection. When you download these works, transfer them to a disk or other medium, or send them to a friend, you are infringing on the rights of the copyright holder. Trafficking in such material without the permission of the copyright holder violates copyright law and is prohibited. This includes unauthorized music and video file sharing over the Internet.

According to a statement issued by representatives of the motion picture, recording and songwriting industries, uploading and downloading copyrighted works over the Internet is theft: "It is no different from walking into the campus bookstore and in a clandestine manner walking out with a textbook without paying for it."

### **Why is it important for a student to be aware of copyright law?**

Copyright infringement is expressly prohibited by the US Copyright Act. Anyone who infringes another's copyright in a creative work is subject to liability, and could be required to pay large sums in damages.

In addition, as the law clearly prohibits copyright infringement, using any college resources-such as photocopiers, desktop and laptop computers, printers, central computing facilities, local-area or college-wide networks, Internet access, or electronic mail-for the purpose of infringing a copyright in any work may be grounds for student discipline. Central Arizona College students are expected to comply with the provisions of the Copyright Act of 1976 pertaining to photocopying of printed materials, copying of computer software and videotaping.

A student who violates these policies can be disciplined at any of the Central Arizona Colleges. This discipline could include suspension or even expulsion.

### **Does copyright law allow me to download files from a college web site?**

Thanks to recent changes to copyright law, colleges and universities are allowed to transmit copyrighted images, recordings, and other materials over the Internet in connection with online learning offerings. These changes allow for the performance of non-dramatic literary works or musical works, as well as the display of "reasonable and limited portions" of any work in an amount comparable to that typically displayed in a live classroom setting. Use of the works must, however, be "an integral part" of the distance-learning class session, and available solely to students enrolled in the class and for a limited time. In addition, the transmission of the copyrighted works must be under the direction or actual supervision of an instructor.

Even though the college does not hold the copyright to these works, or even have the express permission of the copyright holder, they may be delivered over the Internet to students in online learning classes for a limited amount of time.

The fact that the law authorizes such limited use of copyrighted materials, though, does not allow a student in these classes to freely download, copy, or re-transmit the works. They are intended solely for use by the institution in connection with distance or online instruction. Any other use would likely constitute a violation of copyright law.