

## **Copyright Policy**

Under the laws of the United States, copyright is a form of legal protection provided to the creators of “original works of authorship fixed in any tangible medium of expression,” which may include literary works, musical works, dramatic works, motion pictures, sound recordings and other intellectual works. (For a more detailed definition and list of protected materials ([see 17 U.S.C. § 102 et. seq.](#)))

### **Rights of Copyright Owner:**

The owner of copyright has the exclusive rights to do and to authorize any of the following:

- i. to reproduce the copyrighted work in copies or phonorecords (e.g. cassette tapes or compact disks);
- ii. to prepare derivative works (i.e. adaptations, fictionalizations, recasts, etc.) based upon the copyrighted work;
- iii. to distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending; and
- iv. to perform literary, musical, dramatic and choreographic works, pantomimes and motion pictures ([see 17 U.S.C § 106](#)).

### **Copyright Infringement under Federal Law:**

A copyright owner has the right to institute legal action against individuals who violate any of the exclusive rights of the copyright owner ([see 17 U.S.C. § 501](#)).

### **Use of Copyrighted Materials:**

It is the intent of Stone Academy to abide by the provisions of copyright laws as they affect the Academy, its employees, and independent contractors.

Copyrighted works will not be used or duplicated unless such use or duplication meets “fair use” standards or written permission from the copyright holder has been received. Individuals who violate this policy assume responsibility for any copyright infringement. Employees who violate this policy are also subject to disciplinary procedures.

### **Procedure:**

Federal copyright law is intended to protect the creative works developed by individuals or companies. Since the law no longer requires a copyright notice for a work to be protected, all works should be treated as copyrighted unless they fall into one of the following categories:

- Works that lack originality (Logical, comprehensive compilations, e.g., a phone book)
- Works in the public domain
- Facts
- U.S. government works

If the work meets any of the above, it can be freely reproduced; if not, the Fair Use Tests will dictate copying action.

### **Doctrine of Fair Use:**

Fair use is a legal doctrine that establishes limitations on the exclusive rights of copyright owners. This doctrine of fair use may be raised as a defense to a claim of copyright infringement. The following four factors are considered when determining whether the use of copyrighted material is infringing on the rights of the copyright owner:

- i. the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
- ii. the nature of the copyrighted work;
- iii. the amount and substantiality of the portion used in relation to the copyrighted work; and
- iv. the effect of the use upon the potential market for or value of the copyrighted work.

Though copyright law does not offer a definitive meaning of fair use for any specific application, a determination as to fair use will be governed by a reasoned and responsible application of these four factors (see 17 U.S.C. § 107).

The “Checklist for Fair Use” (below) is a helpful tool to provide a reasonable analysis of the four factors above as well as provide an important means for recording your decision-making process. Maintaining a record of your fair use analysis is critical to establishing “reasonable and good-faith” attempts to apply fair use to meet your educational objectives.

When materials are reproduced in excess of fair use standards, all Stone Academy employees are required to obtain written permission to reproduce copyrighted material prior to such reproduction. A statement that written permission has been obtained will be included on the copy.

### **Other Resource Links:**

<http://www.copyright.gov/> - US Copyright Office

<http://www.copyright.gov/laws/> - U.S. Copyright Law & Policy

<http://www.copyright.gov/1201/index.html> - Rules on Anti-circumvention

<http://en.wikipedia.org/wiki/DMCA> - Digital Millennium Copyright Act

[http://en.wikipedia.org/wiki/TEACH\\_Act](http://en.wikipedia.org/wiki/TEACH_Act) - Technology, Education and Copyright Harmonization Act of 2002