

COPYRIGHT AND INTELLECTUAL PROPERTY POLICY

PURPOSE AND SCOPE

This policy provides guidance regarding the use and creation of intellectual property at North Shore Community College. While the definition of intellectual property is broad and can include works of authorship, computer software, inventions, discoveries, creations, know-how, trade secrets, technology, scientific or technological developments, and research data, regardless of whether subject to legal protection, this policy will focus on that intellectual property at the College which is most likely to be used such as copying copyrighted materials for classroom instruction or course materials, performances and displays in the classroom and distance learning environments, as well as created. This policy will address when it is necessary to obtain authorization to use intellectual property, as well as who owns the rights to intellectual property created at the College.

It is the responsibility of all faculty, staff, students and anyone using the facilities or resources of North Shore Community College to read, understand and follow this policy. Any person with questions regarding the application or meaning of this policy should seek clarification from the Chief Academic Officer. Failure to observe this policy may subject individuals to disciplinary action pursuant to applicable handbooks or collective bargaining agreements, up to and including expulsion from the College or termination of employment. Further, failure to observe this policy may result in violation of civil and/or criminal laws.

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Public Domain - The status of publications, products, and processes that are not protected by

The College has also designated an "Agent to Receive Notification of Claimed Copyright Infringement." Anyone who believes that any faculty, staff, or student of the College has infringed on their rights as a copyright owner should contact the Chief Academic Officer, as the College's Copyright Agent, with the following information:

- Complete name, mailing address, email address, phone and fax numbers;
- Information about the copyrighted material (URL, book title, etc.);
- The URL of the College site which has the infringing material; and
- Any other information supporting the claim.

With regard to Distance Learning, the College will apply measures to protect against unauthorized access (e.g. limiting transmission to students enrolled in a particular course) and requires that only lawfully acquired copies of copyrighted works are used.

USE OF INTELLECTUAL PROPERTY: COPYRIGHT

Much of the existing works, information, or materials used at the College, whether written or electronic are

This material is protected by federal copyright law (Title 17 of the U.S. Code) and thus, copying of the material is prohibited by federal law.

OBTAINING AUTHORIZATION TO USE A COPYRIGHTED

considered everytime a Covered Individual seeks to use copyrighted material to evaluate

Copyright laws allow faculty and instructors to use copyrighted materials in the classroom, including distance learning environments, without obtaining permission, for example, in performances of non-dramatic literary and musical works or displays of print materials over the internet as part of a class session in a distance learning course.

and

Distance Learning

A faculty or staff member may display and perform copyrighted works in live interactive distance learning classes, course management systems or in delayed transmission of faculty instruction as follows: the faculty or staff member or the College must own a legal copy of the source (e.g. book purchased in bookstore). Before purchasing materials for Distance Learning Courses, determine whether the applicable licenses provide authority for use of display and performance of the materials without restrictions. If so, a small portion of the copyrighted materials may be used for a limited time, and with limited access along with the notices and acknowledgements listed above.

Music

A faculty or staff member may copy music for academic purposes, other than performances, limited as follows: 1) excerpts of sheet music, such as performable units (movements, sections, arias) may be copied only if out of print; 2) student performances may be recorded only for teacher or institutional evaluation or student's portfolio, and 3) sound records may be copied once for classroom or reserve room use. Please note that sheet music may be copied in its entirety only for an emergency when purchased copies are not available for an imminent performance provided that purchased replacement copies are substituted in due course. Additionally, the copyright notices and acknowledgements outlined above must be included. There are also sources of free music such as the Choral Public Domain Library.

permission is received, distance education is an unlikely venue for the performance of audio-visual works.

Transmission of an audio-visual work maybe permissible over closed circuit television to classrooms located within the same building. Besides use in classrooms, students, faculty or staff at workstations or in small group rooms such as those available in the library may view audio-visual works that are owned by the

purpose without authorization. After 45 days, a license for retention must be obtained or the recording must be erased or destroyed. Recordings need not be used in their entirety but may not be altered from their original content or physically or electronically combined or merged to constitute teaching anthologies or compilations. Recordings must

OWNERSHIP OF INTELLECTUAL PROPERTY

The author or creator of intellectual property is usually the owner of that intellectual property unless the intellectual property is a “work made for hire.” Copyright law (Section 101 of Title 17 of the U.S. Code) defines a “work made for hire” as:

- (1) a work prepared by an employee within the scope of his or her employment; or
- (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work,⁴ as a compilation, as an instructional text,⁵ as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument that the work shall be considered a work made for hire.

If the work does not fit the legal definition of “work made for hire” the employer may still own the intellectual property if it is created pursuant to a contract, collective bargaining agreement, or assignment of copyright.

⁴ A “supplementary work” is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwords, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendices, and indexes.”

⁵ An “instructional text” is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.”

APPENDIX B: COPYRIGHT RESOURCES

Below is a list of