
Copyright Policy

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Effective:

Last Updated: August 1, 2021 (format only)

Responsible University Office:

Policy Contact: *Person to contact with questions/issues (reference by title and office only)*

Notice:

Effective August 1, 2021 this policy was converted into an easily accessible standalone PDF document. This policy still remains in Part II of the Policies and Procedures Manual and no changes were made to this policy when it was converted to the standalone PDF document.

Policy

Gonzaga seeks to balance the right of fair use with the legal ownership rights of copyright holders in accordance with its philosophy and Mission as a humanistic, Catholic, and Jesuit University. This policy's objective is good faith compliance with the directives and intent of the copyright law of the United States.

The copying, for research and classroom purposes of books, articles, and other copyrightable works is a concern to the entire Gonzaga community. This policy statement addresses questions about when copying may take place without the consent of the copyright owner, the extent of fair use, when and how permission to copy should be obtained, and how to reduce exposure to liability.

A. Preamble

Gonzaga University intends to adhere in spirit and principle to the provisions of the United States Copyright Law (Title 17, United State Code, Sec. 101, et seq.). This policy represents a sincere effort to conform to the requirements of the copyright act.

B. Policy

1. **Responsibility**: Gonzaga disapproves of and forbids duplication in any form that violates copyright law. This includes, but is not limited to, duplication of printed matter, music, computer software, and video/audio materials. Members of the Gonzaga community who disregard Gonzaga copyright policy and guidelines do so at their own risk and assume all responsibility and liability arising from such activity, including indemnification of Gonzaga. Gonzaga employees who cooperate with persons violating this policy will be subject to disciplinary action, including dismissal.
2. **Compliance**: Members of the Gonzaga community are expected to adhere to the copyright law, fair use guidelines, licenses or contractual agreements, or other permissions.

C. Guidelines

A person may use copyrighted material without permission of the owner when such use satisfies the requirements of “fair use” or if the use is by an instructor for distribution to a class. However, in the latter case, the use must meet the requirements of spontaneity, brevity and cumulative effect.

1. **Copyright**: A copyright grants the holder exclusive rights in the reproduction of creative works. With certain exceptions, no one may reproduce the work without express permission from the copyright holder.

A copyright is created at the time the work is created. The copyright is created regardless of whether the work is published or unpublished and the copyright immediately becomes the property of the author. If the work is created for hire, the copyright becomes the property of the hiring party. Registration with the Copyright Office is not required to protect an interest in the work. Additionally, affixing the copyright notice is no longer required to give the public notice. However, registration with the Copyright Office is required before initiating an infringement suit. Also, affixing the copyright notice will make defense of the copyright easier.

2. **Fair Use**: A person may make copies of copyrighted work to promote research and scholarship. The test used consists of a four level balancing test. The areas applicable to “fair use” are:
 - a. Purpose and character of the use, such as whether it is for commercial or non-commercial use.
 - b. The nature of the copyrighted work.
 - c. The amount and substantiality of the portion used as related to the work as a whole.
 - d. The effect of the use on the potential market or value for the copyrighted work.
3. **Distribution to a Class**: Instructors may make copies of copyrighted material for use in preparing lectures or for distribution to students in their courses. Different guidelines apply

on the intended use of the copyrighted material. Single copies intended to be used by the instructor for research or lecture preparation may consist of any of the following:

- a. A chapter from a book.
 - b. An article from a periodical or newspaper.
 - c. A short story, short essay or short poem, whether or not from a collective work.
 - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
4. **Multiple Copies for Distribution to a Class:** If multiple copies are desired for distribution to a class, three requirements must be met. First the copying must meet the requirements for spontaneity and brevity. Second, the cumulative effect test must be satisfied. Third, each copy must include a notice of copyright.
- a. Spontaneity: Spontaneity is satisfied when the copying is done at the insistence of the teacher, and the decision to use the copyrighted work, combined with need for quick use to gain maximum teaching effectiveness from the copyrighted material, make it unreasonable for the teacher to get permission from the copyright holder.
 - b. Brevity: Brevity is defined differently depending on the type of work being considered. Listed below are the differing requirements for each type of written work.
 - i. Poetry - a complete poem is less than 250 words and printed on two or fewer pages; or, an excerpt from a longer poem not to exceed 250 words.
 - ii. Prose - a complete article of fewer than 2,500 words; or, an excerpt not to exceed 1,000 words or 10% of the work, whichever is less. However, the minimum limit is not less than 500 words.
 - iii. Illustration - one chart, graph, diagram, cartoon or picture per book or periodical.
 - iv. "Special" works - those works that comprise both a prose and pictures that consist of fewer than 2,500 words.
 - c. Cumulative Effect: The cumulative effect test limits the overall use and number of copies that can be made. The test requires that:
 - i. The copies made are for use in only one class in the school.
 - ii. No more than one short poem, article, story, essay or no more than two excerpts from the same author. Also, cumulatively, no more than three short poems, articles, stories, essays or more than six excerpts may be copied from the same collective work or periodical volume during one school term.

- iii. In totality, no more than nine instances of multiple copying per course per term may take place.
5. **Conclusion**: The copyright rules concerning reproductions made for individual research are easily followed. As long as reproductions of only the sections needed for research are used, no violation should occur. The copyright rules that allow an instructor to use copyrighted works for class are straightforward. However, the requirement that could be most easily overlooked would be the one requiring that the copyright owner's notice be attached. This is because the notice may or may not be on the page or pages reproduced and might be overlooked if the copier is in a rush.