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COPYRIGHT PROTECTION

POLICY

SDSM&T will comply with all aspects of copyright law.

PROCEDURES

Copyright law recognizes the value of the intellectual property of others by restricting its use without authorization. It is generally agreed that the doctrine of "fair use" of copyrighted material will permit some copying

1. U.S. Copyright Publication FL102 describes Fair Use as follows:

"One of the rights accorded to the owner of copyright is the right to reproduce or to authorize others to reproduce the work in copies or phone or ercords. This right is subject to certain limitations found in sections 107 through 118 of the copyright act (title 17, U.S. Code). One of the more important limitations is the doctrine of "fair use." Although fair use was not mentioned in the previous copyright law, the doctrine has developed through a substantial number of court decisions over the years. This doctrine has been codified in section 107 of the copyright law.

"Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered "fair," such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:

- "(1) the purpose and character of the use, including whether such use is of 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 distinction between 'fair use' and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission."

The complete publication can be found at www.copyright.gov/fls/fl102.pdf. Additional information can be found at the U.S. Copyright website (www.loc.gov/copyright/).

2. It is normally acceptable for the purchaser of software to make a copy of software for back-up purposes to protect against damage of the original software disc. However, making additional copies is normally not permitted. Please

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check with the Director of Information Technology Services for assistance related to copying software materials.

3. Please contact the Director of SDSM&T Devereaux Library for all questions about the use of copyrighted materials.