ITS Resource Center Home

Audiovisual Services Copyright Information

Contact Information

Audiovisual Services
315-859-4120
avs@hamilton.edu

Audiovisual Services

Copyright Policy

- Why Care About Copyright?
- Copyright Defined
- Fair Use Guidelines for Educators
- Penalties for Infringement
- References
- Hamilton College's Overall Copyright Policy
- Displaying Copyrighted Media on Campus
- Video Recording of Campus Events
- AV Production Work
- Seeking Permission to Use Copyrighted Materials

Why Care about Copyright?

Please take a moment to review this brief document. This is the Hamilton College Audiovisual Services Team's interpretation of Federal Copyright Law, based on careful review of the law itself and the Fair Use guidelines. It is by no means the only interpretation. It is what we believe to be the most ethical and appropriate for this campus.

It is our hope that this will help you understand and adhere to the provisions of federal copyright law.

Compliance with the federal copyright law and with this policy is the responsibility of every member of the faculty, staff, administration, and student body. We will all share in the liability if a violation occurs. Each of us should, therefore, take a personal interest in becoming informed about how copyright law affects our work and study at Hamilton College.

Copyright law is complicated and its interpretation is sometimes controversial. This guide has been prepared in an effort to help us all better understand what is allowable by law, and why some audiovisual services that are technically possible may be restricted. We will always remain open to receiving any new information on or interpretation of copyright law.

Your support and cooperation is greatly appreciated. If you have questions or concerns about this policy, please contact Tim Hicks, x4790.

General Information - Copyright

Copyright grants to the author or originator the sole and exclusive privilege of multiplying copies of literary or artistic productions and publishing and selling them. Copyright protection exists for original works fixed in any tangible medium of expression, including:

- literary works
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic work
- pictorial, graphic, and sculpture work
- motion pictures and other audiovisual works
- sound recordings

Fair Use

Many provisions of the law affect educational uses of copyrighted materials but the most generally applicable is Section 107 - Limitations on Exclusive Rights: Fair Use. Under the law, it is fair use to reproduce copyrighted materials for purposes of criticism, comment, news reporting, teaching, scholarship, or research. Four criteria will be applied in judging whether or not there has been an infringement:

- The purpose and character of the use
- The nature of the copyrighted work
- The amount and substantiality of the portion being used
- The effect on the potential market for or value of the work

The four criteria for determining fair use listed above are very general. To aid in the interpretation of Fair Use criteria, interested groups of publishers and users have agreed on more specific guidelines, including:

- Guidelines and fair use in photocopying of copyrighted print materials for educational purposes
- Guidelines and fair use of copyrighted musical works in education
- Guidelines for photocopying for interlibrary loans by libraries and archives

These guidelines were not written into the law, but they are accepted and used in interpreting the provisions of copyright law. An area left without specific guidelines at this time is audiovisual media. Representatives of copyright owners and users of audiovisual media have agreed that the general principles of fair use can apply to audiovisual media.

Penalties and Infringement

Substantial penalties are provided for infringement of a copyright:

- An injunction to stop the infringement is most likely to be the first action
- Payment of actual damages for financial loss suffered by the copyright owner may be required
- Statutory damages, for which no actual damages need be proved, may be assessed. If the court determines there is an infringement, it must award between $500 and $20,000

An exception to the statutory damages is made in the case of teachers, provided the teacher believed and had reasonable grounds to believe that it was fair use. In this case the teacher may be found

guilty but the damages do not have to be paid. This gives the teachers some special consideration under the law, but it also requires that they be thoroughly familiar with what might be considered reasonable fair use practices.

References

This copyright policy (1996-2010) was prepared with information gathered from the following sources:

- *The Official Fair-Use Guidelines*, Fourth Edition, Copyright Information Services, Eugene, Oregon, 1985.
- *The Copyright Directory: 1990-91*, Copyright Information Services, Friday Harbor, WA, 1990.
- Dr. Charles Vlcek, *Copyright Policy Development*, Second printing, Copyright Information Services, Friday Harbor, WA, 1988.
- Ruth H. Dukelow, *The Library Copyright Guide*, Association for Educational Communications and Technology, Copyright Information Services, Washington, DC, 1992.
- Esther R. Sinofsky, *Off-Air Videotaping in Education*, R.R. Bowker Company, New York and London, 1984.
- Jerome K. Miller and others, *Video Copyright Permissions*, Copyright Information Services, Friday Harbor, WA, 1989.

Return to Audiovisual Services Home

Last Updated: July 18, 2012