HENRY FORD COMMUNITY COLLEGE
OFFICE OF THE PRESIDENT

MEMORANDUM

TO: The College Community

FROM: Kim Schopmeyer - Vice President of Academic Affairs for Arts & Sciences
       Tracy Pierner - Vice President of Academic Affairs for Career & Technical Programs

SUBJECT: COMPLIANCE WITH THE COPYRIGHT ACT

DATE: January 7, 2013

Please review the following guidelines for photocopying and reproducing copyrighted material. We have excerpted this information from the Copyright Act of 1976 and subsequent amendments to the Act. Anyone using college equipment and services is expected to comply with the provisions of this law to avoid legal liability for Henry Ford Community College.

Under the provisions of the Copyright Act of 1976, the reproduction and/or use of copyrighted materials is limited. Copyright is the right granted by law to an author or other creator to control use of the work created. Copyright protection extends to all forms of works of authorship, including books, newspapers, magazines, computer software, multimedia works, sound recordings, and audio visual works. Copyright protection begins at the moment the work is created. Registration with the U.S. Copyright Office is not required in order for a work to be protected under U.S. copyright law. Copyright protection covers both published and unpublished works. The fact that a previously published work is out of print does not affect its copyright.

“Fair use” under the U.S. copyright law permits limited use of portions of a copyrighted work without the copyright owner’s permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. The following excerpt from the legislative history of the 1976 Copyright Act establishes congressionally endorsed guidelines relating to classroom copying for educational use.

SINGLE COPYING FOR TEACHERS

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class: a chapter from a book; an article from a periodical or newspaper; a short story, short essay or short poem, whether or not from a collective work; or a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.
MULTIPLE COPIES FOR CLASSROOM USE

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that the copying meets the tests of brevity, spontaneity, and cumulative effect as defined below and each copy includes a notice of copyright.

BREVITY

Poetry: A complete poem if less than 250 words and if printed on not more than two pages, or from a longer poem, an excerpt of not more than 250 words.

Prose: Either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event, a minimum of 500 words. Each of the numerical limits stated above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.

Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

Special Works: Certain works in poetry, prose, or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience that fall short of 2,500 words in their entirety. Notwithstanding the above guidelines, special works may not be reproduced in their entirety. However, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof may be reproduced.

SPONTANEITY

The copying is at the instance and inspiration of the individual teacher; and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

CUMULATIVE EFFECT

The copying of the material is for only one course in the school in which the copies are made. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term. There shall not be more than nine instances of such multiple copying for one course during one class term. The limitations stated above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.
PROHIBITIONS

Notwithstanding any of the above, the following shall be prohibited:

- Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.

- There shall be no copying of or from works intended to be "consumable" in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

- Copying shall not substitute for the purchase of books, publisher's reprints or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.

- No charge shall be made to the student beyond the actual cost of the photocopying.

Civil and criminal penalties may be imposed for copyright infringement. Civil remedies can include an award of monetary damages (substantial statutory damages, which in cases of willful infringement, may total up to $100,000 per work infringed, or actual damages, including the infringer's profits), an award of attorney's fees, injunctive relief against future infringement and the impounding and destruction of infringing copies.

While under some circumstances educators are not required to pay statutory damages, nonetheless, they may be responsible for paying the copyright owner actual damages caused by their infringement, as well as attorney's fees.

When in doubt about the status of a work, it is best to contact the publisher or author's representative to determine whether the work is still under copyright or in the public domain.

More information about fair use and copyright guidelines can be found in the U.S. Copyright Office Circular 21 - "Reproduction of Copyrighted Works by Educators and Librarians." A copy of this circular can be obtained by contacting the Copyright Office at (202) 707-9100 and at www.loc.gov/copyright.

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