

COPYRIGHT POLICY

Casa Loma College believes in promoting compliance with United States copyright laws and protecting the intellectual property interests of copyright owners. The College provides information and resources to our students, faculty, and staff about copyright law, the rights of copyright holders, and the exercise of fair use. All students, faculty, and staff of Casa Loma College have an obligation to make informed and responsible decisions regarding their use of copyrighted materials and are obligated to comply with copyright law. It is illegal for anyone to violate the rights given to the owner of copyrighted works.

Information on such laws is available from the [U.S. Copyright Office](#).

This document provides general information to help students, faculty and staff of Casa Loma College to understand and make informed decisions about how to use copyrighted materials. Compliance with copyright law and the good faith effort of fair use is the responsibility of all students, faculty and staff.

If you are unsure as to the fair use of copyrighted materials, you should discuss it with the Director of Curriculum and Instruction or College Librarian.

WHAT IS PUBLIC DOMAIN?

Public domain works are defined as works not protected by copyright. You may use work in the public domain, without seeking permission, so long as the use is not defamatory or in violation of other laws unrelated to copyright. The three main categories of public domain are:

- Works whose copyright has expired. To determine whether the copyright has expired for a work, please contact the chart [Copyright Term and the Public Domain in the United States](#)
- Works whose authors failed to secure copyright
- United States federal government publications

WHAT IS COPYRIGHT?

United States copyright law gives authors of original works (books, poetry, music, videos, etc.) a limited right to control how their works are used by others. These rights include the rights to reproduce, distribute or display their work. In general, you would need to obtain permission from the author to use (that is, reproduce, distribute or display) a copyrighted work.

Not all work is protected by copyright. If the work is in the public domain or the copyright has expired, the work may be used without permission.

WHAT IS UNDER COPYRIGHT LAW?

Work published with a copyright notice, 1923-1978: © until 95 years after publication.

- Published work,
- With copyright notice,

- Created 1923-1977

Unpublished work created before 1978: © for 70 years after death of the creator.

- Unpublished work,
- Created before 1978

Work created (published or not) after 1978: © until 95 years after the death of the author.

- Published or not,
- With or without copyright notice,
- Created post-1978

HOW TO USE COPYRIGHTED MATERIAL

To use copyrighted material you must do one of the following:

- Determine that your use of the material constitutes “Fair Use”
- Obtain permission from the copyright holder (Typically this is easily done through organizations like the Copyright Clearance Center (www.copyright.com) and Creative Commons (www.creativecommons.org))
- Pay a fee through a third party such as the copyright clearance center; or
- Ask the Director of Curriculum and Instruction or the College Librarian to obtain permission on your behalf

FAIR USE

Fair use is part of the copyright law that allows use of a copyrighted work under certain circumstances without permission. Fair use balances an author’s rights with the social benefit of the dissemination of ideas.

Under the law, one must consider four factors to decide if a use is fair: The purpose of the use, the nature of the copyrighted work, the amount of the work used, and the effect of the use on the market.

You must make a reasonable, good faith evaluation of each situation on a case-by-case basis. Every situation is different, and fair use determinations are very fact-based. Note that an educational use is not sufficient by itself to pass the fair use test.

Many good resources are available that explain these four factors and how to apply them. We recommend the [Columbia University Libraries](#) web site which includes a discussion of fair use and a Fair Use Analysis Tool and the [Fair Use Evaluator](#) by the American Library Association, will lead you through a sample fair use evaluation.

COPYING MATERIALS FOR INSTRUCTIONAL USE

Under certain conditions specified in copyright law, a photocopy or other reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a photocopy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement.

Educators have, with publishers, developed guidelines which allow an instructor to distribute photocopied materials to students in a class, without the publisher's prior permission, upon compliance with these conditions:

- The distribution of the same photocopied materials does not occur every semester.
- Only one copy is distributed for each student, which must become the student's property.
- The materials include a copyright notice on the first page of the portion of material photocopied.
- The students are not assessed any fee beyond the actual cost of the photocopying.
- The amount of material should be reasonable in relation to the total amount of material assigned for one term of a course.
- The effect of copying the material should not be detrimental to the market for the work. In general, the library should own at least one copy of the work.

GENERAL GUIDELINES FOR PHOTOCOPYING BOOKS AND PERIODICALS FOR CLASSROOM USE

Casa Loma College follows these commonly used guidelines for photocopying books and periodicals for classroom use:

Single copies, for instructors' research or teaching purposes, may be made of:

- a chapter from a book;
- an article from a newspaper or periodical;
- a short story, short essay, or short poem, whether or not from a collective work;
- a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Multiple copies (not to exceed one copy per student enrolled in a class) may be made by the instructor for classroom use if the copying meets the tests of:

- brevity
- spontaneity
- cumulative effect

Exclusions to both single and multiple copying are:

- Copies may not be used for anthologies, compilations, or collective works;
- "Consumable" material, such as workbooks, tests, and answer sheets, may not be copied;
- Copying may not be used to substitute for purchasing, be "directed by higher authority," or be repeated "with respect to the same item by the same teacher from term to term";
- the student may not be charged more than the actual cost of the photocopying

WAYS TO USE COPYRIGHTED MATERIAL WITHOUT MAKING A COPY:

- Place the original material on reserve in the College's Resource Center.
- Incorporate links to the material in a "virtual course pack."

- For online courses, provide a link to the source of the material.

PEER-TO-PEER FILE SHARING POLICY

Students authorized to utilize the College electronic equipment for purposes of conducting research, practical work, writing essays, doing homework assignments or in any general use of the equipment for course related work, are strictly unauthorized to copy or distribute any copyrighted material and any violations will subject the individual violator (staff member, non-staff member or student) to civil and criminal liabilities. The first violation will be punished by removing any authorized privilege use of any College equipment, if the violation includes the use of individually owned equipment, the individual will not be allowed to bring in his/her personal equipment onto College premises. Second violation the individual may be terminated. This decision will be made by the Chief Executive Officer.

Violations of Peer-to Peer File Sharing include:

1. Knowingly accesses and without permission alters, damages, deletes, destroys, or otherwise uses any data, computer, computer system, or computer network in order to either (A) devise or execute any scheme or artifice to defraud, deceive, or extort, or (B) wrongfully control or obtain money, property, or data.
2. Knowingly accesses and without permission takes, copies, or makes use of any data from a computer, computer system, or computer network, or takes or copies any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network.
3. Knowingly and without permission uses or causes to be used computer services.
4. Knowingly accesses and without permission; adds, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a computer, computer system, or computer network.
5. Knowingly and without permission disrupts or causes the disruption of computer services or denies or causes the denial of computer services to an authorized user of a computer, computer system, or computer network.
6. Knowingly and without permission provides or assists in providing a means of accessing a computer, computer system, or computer network in violation of this section.
7. Knowingly and without permission accesses or causes to be accessed any computer, computer system, or computer network.
8. Knowingly introduces any computer contaminant into any computer, computer system, or computer network.
9. Knowingly and without permission uses the Internet domain name of another individual, corporation, or entity in connection with the sending of one or more electronic mail messages, and thereby damages or causes damage to a computer, computer system, or computer network.

DIGITAL MILLENNIUM COPYRIGHT ACT

Casa Loma College is also in compliance with the Digital Millennium Copyright Act of 1998 (DMCA), extending the scope of the copyright law to include digital material. In the event that Casa Loma College receives a valid DMCA violation notice regarding a College-owned IP address that is allocated to a valid client network, the following response protocol is followed:

- The IP address and time stamp listed in the DMCA notice is compared against University system logs in order to identify: a) the potential validity of the claim, based solely upon network traffic audit logs. B) The device that was utilizing the indicated IP address at the specified time stamp. C) The user name that was used to authenticate the identified device to the campus network.
- The College's IT Department suspends the accused individual's network access.
- A meeting is scheduled between IT and the accused individual and IT will explain to the individual what they are being accused of, and where the accusation originated from. It also directs the individual to available copyright education resources.
- The staff member informs the individual that their name has not been disclosed to the complainant and that this information would have to be subpoenaed in order to be released.
- The staff member informs the individual that they may either: a) Deny the complainant's accusation – at which point the infringement claim becomes a legal matter between the individual and the complainant. The suspension of network access will remain until claim resolution. B) Remove the infringing content; have the removal verified by the IT Staff, and thereby regain network access. This does not guarantee that the complainant will not seek damages for the infringement.

More information: [The Digital Millennium Copyright Act](#)

Casa Loma College is under no obligation to protect a user from a complaint or action arising from any violation, or alleged violation of the law, including infringement of any intellectual property rights due to the use of peer-to-peer, or any other type of File-sharing, software applications. Users should understand that the fact that material is accessible through the Internet does not mean that accessing and distributing such material is authorized by copyright holders. Even if users pay for that access, they do not necessarily acquire the right to distribute the material to others.

CASA LOMA COLLEGE LOGO

Use of the College's primary mark, logo type, logo icon, logo watermark and the College seal, not in connection with official College business, is not permissible.

IMPLEMENTATION AND ASSESSMENT OF POLICY

This Policy is posted on the College's website, as well as Moodle. Compliance with this policy is mandatory and any reports of violation will be investigated. Where it is required that Casa Loma College report violations to outside entities, such reports will be made. Upon investigation, if disciplinary action is deemed appropriate, such action will be taken. This action may include the loss of internet usage

privileges, failing grades or course failures (if such usage also violates the Academic Honor Code), suspension, dismissal from the institution and termination of employment, or any other discipline deemed appropriate.

Casa Loma College will annually assess this policy and the processes in place to detect and prevent copyright violations.

ENFORCEMENT AND PENALTIES FOR INFRINGEMENT

Faculty and staff are responsible for understanding the Colleges' copyright policy and shall be accountable for actions that willfully disregard it. Casa Loma College's responsibility in this area is to provide students, faculty and staff access to resources that allow determination of permitted uses. Students, faculty, and staff are responsible for seeking guidance and complying with the law.

In accordance with the law, violations of this policy may subject the violating party to civil remedies and criminal penalties as defined in the U.S. Copyright Act. Under the law, both individuals and the College are liable for copyright infringement. Individuals who disregard copyright law put themselves legally and financially at risk.

Substantial penalties can be imposed 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 may award damages between \$750 and \$30,000. If the court determines that the infringement was willful, the penalty may be as high as \$150,000 per item. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.