



NUMBER: 611

SUBJECT: COPYRIGHT

EFFECTIVE DATE: JULY 1, 2016

APPROVAL DATE OF LAST REVISION: NOVEMBER 23, 2015

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### **611.1 — DEFINITIONS**

**Copyright** – The legal right granted to an author, composer, playwright, publisher, or distributor to exclusive publication, production, sale, or distribution of a literary, musical, dramatic, or artistic work.

**Copyright Material** – the term “material” refers to all original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

**Fair Use** – the term “Fair Use” refers to various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research.

**File Sharing** – is the practice of distributing or providing access to digital media, such as computer programs, multimedia (audio, images and video), documents or electronic books. File sharing may be achieved in a number of ways. Common methods of storage, transmission and dispersion include: manual sharing utilizing removable media, centralized servers on computer networks, World Wide Web-based hyperlinked documents, and the use of distributed peer-to-peer (P2P) networking.

**Infringement** – is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

**Plagiarism** – is the act or instance of using or closely imitating the language and thoughts of another author without authorization and/or representation of that author's work.

### **611.2 — POLICY**

Students are required to comply with all local, state, federal, and international copyright laws, and with College policies regarding the use of copyright-protected materials. Whenever copyright-protected works are used and fair use does not clearly apply, BATC requires students to obtain written permission from the copyright owner. Downloading, uploading or transmitting files containing copyright-protected works without the permission of the copyright owner is prohibited - a violation of which may subject an infringer to disciplinary action and may result in legal liability for the infringer.

BATC prohibits use of its technology systems, including, without limitation, use of its Web site, email system, intranet, learning management system, digital studios, computer labs, and bulletin board systems (“Technology Resources”) in connection with:

- illegal activities, including such activities as circumvention of access control or copy protection technology, unauthorized file sharing, or other methods of downloading, copying, distributing, or sharing copyright-protected works without the permission of the copyright owner
- making copyright protected materials available for downloading, copying, distributing, or sharing by others without the permission of the copyright owner.



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### **611.3 — FAIR USE**

All materials that are used for educational purposes do not fall under "fair use." Section 107 of the Copyright Act (Title 17 of the United States Code) identifies 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
4. The effect of the use upon the potential market for, or value of, the copyrighted work

Unless faculty, staff, or students know for certain the material is not covered by copyright, or is confident the use of the item falls within the fair use guidelines, he/she is obligated to seek permission for the use according to United States copyright law.

### **611.4 — DISCIPLINARY ACTION AND PENALTIES**

Plagiarism is a violation of BATC Student Standards and Conduct. Students found guilty of plagiarism will be subject to disciplinary action and/or termination.

Uploading or downloading works protected by copyright without the authority of the copyright owner is an infringement of the copyright owner's exclusive rights of reproduction and/or distribution. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorney 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.

BATC will cooperate fully with any investigation by public authorities related to illegally downloaded and/or copyrighted information. Members of the BATC community, including students, faculty, and staff, who are found to have been using the College's information technology system to download or upload works protected by copyright will be subject to the full extent of fines and penalties imposed, disciplinary action, and possible termination.