Copyright Policy

Effective Date:

Revised:

Status:

   _X_   Draft
   _     Under Review
   __    Approved
   __    Obsolete

Responsible University Officer:
Vice President, Information Services

Responsible Coordinating Office:
Office of Information Services

Version 1.0

REVISION HISTORY

November 21, 2013 - Initial draft

PURPOSE

Cardinal Stritch University is presenting this policy to help guide our faculty, staff and students in the legal use of copyright material and to provide detail about the University's enforcement, as well as potential civil and legal implications, for individuals who violate copyright laws.

SCOPE

This policy applies to all individuals who use, access or control University electronic resources to store, access or share copyrighted materials or materials owned or created by another person or entity. This includes, but is not limited to: students, faculty, staff, contractors, vendors, business partners, guests, visitors and any other user who uses University owned or controlled electronic resources.

POLICY

It is illegal, and therefore prohibited on any Stritch system or network, to store, access or share any material which is copyrighted or owned by a third party for which you have not obtained current legal permission from the copyright owner, or for which there is not an existing exception provided for within copyright law, to use in the manner and for the purpose in which you are using the material. Doing so violates the United States Copyright Act and potentially other laws or regulations and exposes you to civil, criminal and or University sanctions.
Copyright Policy

When obtaining permission to store, access or share copyrighted material you should ensure that you receive permission in writing, that it clearly states what material is covered, the purpose and method that you intend to use the material, any limitations to your permission, including but not limited to valid dates and proof that the provider is the legal owner of the material along with any other relevant or legally required documentation. You may be asked to provide this at any time to University officials, law enforcement or others with a legal right to this information.

If you are using an existing exception, such as Fair Use, it is your responsibility to ensure and document compliance with any and all relevant laws. In exercising an exception to gaining explicit permission from the copyright owner, you take on full responsibility and may be subject to civil, criminal and/or University sanctions if your use is determined to not qualify for the exception.

The University will comply with any reasonable and lawful requests regarding violation or potential violation of existing copyright law in legal and responsible manner.

UNIVERSITY ENFORCEMENT

[To be determined by the proper University resource]

SUMMARY OF CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF FEDERAL COPYRIGHT LAWS

The following information is not meant to be a complete list of all penalties but rather a simple summary to provide a general idea of current penalties at the time this policy was last reviewed.

Copyright 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 a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

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 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. For more information, please see the website of the U.S. Copyright Office which is listed below.

ADDITIONAL RESOURCES

- U.S. Copyright Office website - www.copyright.gov
- Recording Industry Association of America (RIAA) - www.riaa.com
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- Copyright for Student Use (Cardinal Stritch University) - www.stritch.edu/Library/Doing-Research/Copyright/Copyright-for-Students/