

ASAOM

INTERNAL DOCUMENTATION – COPYRIGHT POLICY

2856 E Fort Lowell Rd,
Tucson, AZ. 85716
520.795.0787

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- ❖ **Referenced in:** Student Handbook; Faculty Handbook; Staff Handbook
- ❖ **Related to:** Code of Conduct

Your Responsibility

ASAOM will not be held accountable for copyright violations by staff, students, or faculty. In joining ASAOM as an enrolled student, or employed as staff or faculty, you are expected to perform due diligence in using published material and you are liable for any violations of copyright, performed by you, during your tenure with the college.

Understanding Copyrights

The general purpose of a copyright is to support and encourage creators to share their work by offering protection for the investment of their time and the work they have produced. The moment a creator compiles their work into a 'fixed' format for visual, auditory, or tangible use, a copyright is born.

There are numerous sources online that describe and illustrate copyright laws and what constitutes copyright infringement. You are responsible for understanding how to use any materials you wish to use for your study, and to be sure you are doing so appropriately under the laws of the United States as they pertain to you.

When using someone's material you should always assume there is a copyright and perform due diligence to be sure you are not violating rights with the use of any material.

What is included under copyright protection? The list below has been reproduced from (Copyrighted.com, 2019).

- ❖ **Literature** novels, short stories, essays, poems, manuscripts, articles, computer software, and smartphone apps
- ❖ **Music** - musical notes, melodies, and lyrics of a song or jingle, operas, and musical plays
- ❖ **Sound recordings** - podcast, CD, and recorded speeches
- ❖ **Audio-visual** - movies, television shows, online videos, stage plays, video games and slideshows, pantomimes, and choreography
- ❖ **Art** - graphics, fine arts, photographs, maps, diagrams, and sculptures
- ❖ **Architectural** - architectural plans and the drawings associated with it

Public Domain and Copyrights:

Just because a published or shared work does not have a copyright printed or associated with it does not mean you are permitted to use it. It is a common mistake for people to believe that the public domain is defined as anything that is made public via the internet. If you are using materials distributed over the internet that are not your own, and you have not provided adequate citation for the source of

your information, you are likely in violation of copyright laws. The public domain can vary from one industry to the next but for general accounting of rights, most copyrighted materials in the United States are not eligible to be considered for the public domain until 50 - 95 years after their original publication, depending on industry. You are responsible to verify your material is in the public domain and free for use, and if not, to cite your material accordingly.

How to Approach Whether or Not You May Be in Violation of Copyright

In some instances it can be exceedingly difficult to ascertain whether existing works have been properly cited. Often, the only answer you can find is – it depends on the usage and the material. The framework below has been adapted from Arizona State University's (ASU) adapted framework for copyright analysis (libguides.asu.edu, 2020). Utilize the guidelines below to better understand aspects of copyright law applicable to your questions or and specific scenario you have encountered.

- 1) Is the material you are using protected by copyright?
 - a) Is the material I will use in the public domain, or under copyright protection?
 - i) Public Domain – <https://www.copyrightlaws.com/what-is-the-public-domain/>
 - b) If the work was composed by me, is the copyright in my name, or have I signed over my copyright to the publisher?
 - i) Contact the publisher of works you have had published and be confident that your usage is permitted under the terms of your publishing contract.
- 2) Does copyright law stipulate an exception or exemption in my special case?
 - a) Is my intended usage exempt from explicit copyright law because I will be using material from a library and employing the material in a classroom setting either through presentation, display, or photo/digital copies for research and review?
 - b) To answer this, you should consult the Checklists below regarding Fair Use and Transformative Fair Use – and refer here: Fair Use Link
- 3) Is the material I would like to use covered by Creative Commons?
 - a) Am I in compliance with Creative Commons terms of licensure or is there a direction I can go to seek out an alternative material that is covered by Creative Commons? – link Creative Commons
- 4) Does my intended use fall under the guidelines of Fair Use?
 - a) Fair Use laws govern the permission for copyrighted material to be used without the author's permission. Teachers and instructors are responsible for consulting Fair Use guidelines in determining whether their intended use falls under the allowance of Fair Use exemptions.
 - b) The general guidelines to consult for Fair Use are (Copyright.gov, 2020):
 - i) purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
 - ii) nature of the copyrighted work;
 - iii) amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 - iv) the effect of the use upon the potential market for or value of the copyrighted work.
 - v) Read more here - <https://www.copyright.gov/fair-use/more-info.html>
 - c) Transformative Fair use may also need to be considered. Transformative Fair Use governs the possibility for an original copyrighted work to be transformed to such a degree that its use and

presentation is no longer considered copyright infringement. The questions governing Transformative Fair Use see regular change, but basic governing principles exist. Ask these questions in your use and consider their necessity to be combined:

- i) Has material adapted from an original work been transformed through the addition of new expression and/or meaning?
 - ii) Did I or the current user of the material add value to an original work by generating new information, insight, aesthetics, or other extensive contribution?
 - iii) Transformative Fair Use and Fair Use are both governed on a case-by-case basis.
- 5) Should I contact the copyright holder regarding my intention to use a specific work? Good question.
- a) Begin by locating the copyright owner and explaining clearly your intention for use in your request for permissions.
 - b) If the reply is no, reconsider the work you plan to use and possibly consider if Fair Use is plausible for your intended purpose. Otherwise, seek new material or redirect your use to be acceptable by the copyright holder.

The links below can be reviewed for a better understanding of how to approach permission for use of a copyrighted work.

Stanford University Libraries' Copyright & Fair Use overview.

- ❖ [The Basics of Getting Permission](#)
 - <https://fairuse.stanford.edu/overview/introduction/getting-permission/>

Columbia University Libraries' Copyright Advisory.

- ❖ [Permissions — Columbia University Librarians' Copyright Advisory Office](#)
 - <https://copyright.columbia.edu/basics/permissions-and-licensing.html>
 - Overview of procedures for contacting and requesting permission from a copyright owner to use a copyrighted work

Document References

References Per ASU repeated in APA format:

- ❖ Adapted from “A Framework for Analyzing any Copyright Problem” by Kevin Smith, Lisa A. Macklin, and Anne Gilliland for the ["Copyright for Educators and Librarians Course"](#) on Coursera [CC-BY-SA](#)
 - This adaptation is also released under a [CC-BY-SA](#) Creative Commons License.
- ❖ Smith, K., Macklin, L., and Gilliland, A. (2020) Copyright for Educators and Librarians [video file]. Retrieved from <https://www.coursera.org/learn/copyright-for-education>

Further References:

- ❖ Copyrighted.com. (2019, January 29). What is Copyright Infringement and How to Avoid It. <https://www.copyrighted.com/blog/copyright-infringement>
- ❖ Copyright.gov. (2020, April). More Information on Fair Use. <https://www.copyright.gov/fair-use/more-info.html>