Copyright and File Sharing

Copyright Law

Copyright Law protects people who develop creative works, and provides them with a financial incentive to share their material with others. Examples of creative works include music, art, literature, film, dance, publications, etc. The specific rights given to people who develop creative works are detailed in the United States Copyright Act (title 17, U.S. Code). Copyright law does not protect ideas, data or facts.

Virtually any creative content you come across--including digital content--is very likely to be covered by copyright law. In general, copyright protects creative works during the author's life plus 70 years after their death. This is referred to as "life-plus-70." Works created by organizations generally have a copyright of 95 years.

If you do not hold the copyright to a particular creative work, you have to obtain permission before reusing or reproducing the work. However, there are some specific exceptions to copyright law that apply to certain academic uses. Permission is not ever needed for certain things, like reading, viewing or borrowing literary works or photos from a library collection.

Fair Use Exception

The most common exception to copyright law in education is called fair use. Use of someone else's material is likely to be considered fair if it's used for criticism, comment, news reporting, teaching, scholarship or research. Fair use consideration is generally based on whether money will be generated as a result of using the material, the type of content, and extent to which it is being used. There is a good deal of ambiguity surrounding the concept of fair use, and every situation is unique.

To avoid confusion and minimize the risk of copyright infringement, LCC interprets the following situations as fair use:

- Quotation of short passages in a scholarly or technical work for illustration or clarification of the author's observations.
- Reproduction of material for classroom use where the reproduction is unexpected and spontaneous – for example, where an article in the morning's paper is directly relevant to that day's class topic. This would generally cover one time use in only one semester.
- Use in a parody of short portions of the work itself.
- A summary of an address or article, which may include quotations of short passages of the copyright-protected work.

If your use does not meet the above criteria and the work is protected by copyright, you probably need to obtain permission to use the work from the copyright holder, or someone acting on behalf of the copyright holder (such as an agent or publisher).

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Photocopying

Photocopying by students is subject to a fair use analysis as well. A single photocopy of a portion of a copyright-protected work, such as a copy of an article from a scientific journal made for research, may be made without permission if it is for personal use.

While some instructors may provide a copy of a required text in the Learning Commons in the Course Reserves section, it is still important to understand that this does not override copyright laws. Photocopying all the assignments from a book recommended for purchase by the instructor (that you did not purchase), making multiple copies of articles or book chapters for distribution to classmates, or copying material from consumable workbooks all require permission from the copyright holder.

Questions and Reporting

If you have questions about copyright law or suspect that someone at LCC is using copyright-protected material without permission, please contact the librarians (lowercolumbia.edu/library/copyright) .

Illegal File Sharing

Illegal file sharing (also called pirating) falls under Copyright Law. Illegal file sharing includes software programs, music, movies, games, and other digital files. Even if you are not aware that files you share are copyrighted, you may still be held legally responsible. There are legal alternatives to access copyrighted material. Educause maintains a list of legal options (www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/legal-sources-onli) at educause.edu/legalcontent.

Copyright Penalties

The legal penalties for violating Copyright Law can include fines and incarceration.

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