

# INTELLECTUAL PROPERTY AND COPYRIGHT POLICIES

The rights of an individual in regard to his or her own oral presentations, visual productions, computer programs, graphics, etc., must be honored. Aside from PCOM requirements regarding the use of lecture capture programs for recording, use of personal video cameras or recording devices are not permitted in any classroom or lab without the expressed written consent of the academic program director and the course instructor.

## Copyright Policy

It is the policy of Philadelphia College of Osteopathic Medicine to comply with the U.S. Copyright Act of 1976. All PCOM faculty, staff, and students are expected to act as responsible users of the copyrighted works of others, which includes making informed decisions based on the fair use exemptions to the copyright laws. Student violations of copyright policy are also subject to sanctions imposed by the Committee on Student Professional Conduct.

U.S. laws protect the rights of individuals regarding their own works. The penalties for violation of copyright law can range from College sanctions to civil and criminal prosecution. Persons who copy and distribute copyrighted material without legal permission may be found liable for civil or criminal copyright infringement. Civil penalties for federal copyright infringement provide for significant financial compensation for damages such as \$150,000 for each willful act. Criminal penalties can be up to five years in prison and \$250,000 in fines. The College cannot protect students, faculty or staff from a copyright complaint, and the College may also be required by law to disclose information to a complainant for use in pursuing legal action. Copyright infringement may also result in College-imposed sanctions for misconduct.

Federal copyright law protects "original works of authorship fixed in any tangible medium," which includes works of literature, music, drama, film, sculpture, visual art, architecture, and other creative media. (Title 17, U.S. Code, Section 101). Most works published after 1923

(except those authored by the U.S. government) should be presumed to be copyright protected, unless there is information or notice from the copyright holder that the work is in the public domain. Works published prior to March 1, 1989, generally require a copyright notice to be protected, but those published on or after March 1, 1989, are not required for copyright protection. Copyright Office Circular 22 explains how to determine the copyright status of a work.

The doctrine of "Fair Use" (section 107 of the U.S. copyright law) in limited situations permits the use of a copyrighted work, including reproducing portions of that work, without the copyright owner's permission. Section 107 of the Copyright Act establishes four basic factors to be examined in determining whether a use constitutes a "Fair Use" under the copyright law.

These factors are:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion of the work used in relation to the copyrighted work as a whole; and

4. The effect of the use in question upon the potential market for or value of the copyrighted work.

No single factor is determinative of a person's right to use a copyrighted work without permission. Educational use alone is not sufficient to make the use in question a fair one. Photocopies or other reproductions can be furnished only under certain conditions, if they will be used solely for private individual study, scholarship, or research. Use of the reproduction for other purposes may make the user liable for copyright infringement. PCOM reserves the right to refuse to accept a copying request, if, in its judgment, fulfillment of the order would involve violation of copyright law (17 U.S.C. 207, and under Title 17 of the U.S. Code as amended by Pub. Law 94-553: 108, 702. Dated August 9, 1977).

The full Patents and Copyrights Policy (2.80) can be found on MyPCOM, Resources section.

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