

NORTHEASTERN OKLAHOMA A&M COLLEGE COPYRIGHT POLICY AND SANCTIONS

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the executive 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 attorney’s 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 at www.copyright.gov.

NEO College Copyright Policy

It is the policy of Northeastern Oklahoma A&M College (NEO) to comply with the United States Copyright Act of 1976 as amended, the Digital Millennium Copyright Act (DMCA) of 1998, and the Higher Education Opportunity Act (HEOA) of 2008. This policy applies to all members of the NEO community, including administrators, faculty, staff, students and any other person who has access to NEO’s information resources.

All reproduction, distribution and/or use of copyrighted materials must comply with the provisions of the law. NEO prohibits the reproduction, distribution and/or use of copyrighted materials by administrators, faculty, staff and students that is not expressly covered by:

1. the written permission of a copyright holder,
2. fair use, or
3. other specific exemptions permissible under copyright law, licenses and/or agreements.

NEO prohibits illegal file sharing through peer-to-peer (P2P) file sharing services and other uses of its technology and/or network resulting in violation of copyright laws and NEO policy.

NEO participates in contractual arrangements mandating royalty payments or licensing fees to copyright owners whenever feasible. Nevertheless, it often falls to the individual faculty to obtain written permission from the copyright owner to copy a large portion of a work or an entire work, or to produce multiple copies of chapters or periodical articles. Contact the NEO Director of Library Services for more information.

Compliance with federal copyright law and this policy is the individual responsibility of every member of the NEO community. Expectations for federal and local compliance require that every NEO administrator, faculty, staff and student:

1. take a personal interest in becoming informed about copyright law and how it affects teaching and learning activities at NEO and

2. adhere to the limits for copying and the use of copyrighted materials while fulfilling NEO's mission through teaching, learning and research activities.

In accordance with the law, employees and students who willfully disregard copyright law may be subject themselves to civil and/or criminal penalties or other legal action. Individuals who engage in infringing activities also place the college at risk of legal action.

Permission of Copyright Holder

If it is deemed necessary to obtain written permission from the copyright owner or owners for college-related activities (instruction, publication, etc.), a copy of the written permission and terms of use is to be submitted to the Director of Library Services for institutional records.

Guidelines and Resources

Guidelines have been compiled and made available on the NEO Library webpages and in the compliance training to assist NEO administrators, faculty, staff and students in understanding what is allowable by law and in complying with federal copyright law and this policy. NEO's policies, training and guidelines were developed based on careful review of the [United States Copyright Law, Title 17, US Code, 1976](#), [Fair Use Guidelines of 1997](#), [DMCA of 1998](#), [DMCA exemptions of 2006](#), and [guidelines resulting from the 1994 Conference on Fair Use \(CONFU\)](#).

Questions about Copyright Law should be directed to the NEO Director of Library Services.

Interlibrary Loan Notice

The Library is responsible for posting the following notice with information about the interlibrary loan service and how to request materials through interlibrary loan.

NOTICE: Material obtained through the interlibrary loan service may be protected by copyright law (Title 17 U.S. Code). The person requesting materials through interlibrary loan services are responsible for abiding by applicable laws in the use of the materials and are liable for any infringement of these laws.

Photocopy Notice

All departments, computer labs and the NEO library are responsible for posting notices reflecting this policy at all photocopying stations that may be used for reproducing copyrighted materials (e.g., those in the library and in departmental copy rooms) and at or near all computer stations.

Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

NEO Photocopy Services

The NEO Print Department provides photocopy services to NEO employees for college-related use. Copyright laws and the NEO Copyright Policy apply. This institution reserves the right to refuse to

accept a copying order if, in its judgement, fulfillment of the order would invoke violation of copyright law.

NEO Library and Archives

The NEO Library and Archives is responsible for posting the following notice with information about use of photocopies or other reproductions provide by the Library.

Notice: The copyright law of the United State (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “fair use,” that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order, if, in its judgment, fulfillment of the order would involve violation of copyright law.

Copies on Reserve in the Library

The library reserve services accept single photocopies of copyright-protected chapters, articles, etc. but these photocopies are considered to be the instructor’s property. Although copyright law prohibits libraries from systematic copying to enhance their collections, an instructor may provide duplicate photocopies (three at the most) when a course is large enough to require more than one of an assigned photocopy. The amount of material should be reasonable in relation to the size of the source. Applicable copyright laws apply to all items placed on reserve in the library.

Copies on Reserve must be marked:

NOTICE: This material may be protected by copyright law (Title 17 U.S. Code).