

- [Policies and Procedures](#)

Copyright Policy

Purpose

In our educational environment and as members of the Seton Hall University community, we recognize the value of those rights as expressed in the copyright laws of the United States.

~~Scope~~

~~University Policy~~

~~Definitions~~

The use of intellectual property, such as materials protected by copyright, is affected by the ownership rights in those materials. ~~In our educational environment and as members of the Seton Hall University community, we recognize the value of those rights as expressed in the copyright laws of the United States.~~ Because of advances in technology and ease to copy, transmit, distribute, adapt, display, or perform copyrighted works, individuals must increasingly be aware of various copyright implications when using a wide range of materials. Copyright violations create potential legal liability for the University and the individuals involved. Therefore, all members of the Seton Hall University community are expected to make a good faith effort to respect the rights of copyright owners. To support Seton Hall's mission to create, discover, and disseminate knowledge and to further the primary purpose of teaching and research, Seton Hall University supports the responsible, good faith exercise of the following copyright principles, guidelines, and definitions.

Scope

This policy applies University-wide, including, but not limited to, students, faculty, administrators, staff, and employees.

Definitions

The terms defined under the federal copyright law, which are outlined in 17 U.S.C. § 101, control this Policy.

Policy

Copyright ~~requirements~~ Requirements

Seton Hall University faculty, students and employees must comply with the United States Copyright Law, 17 U.S.C. § 101 *et seq.* In short, this means that you may not make unauthorized copies or distribute, display, or perform without permission, any work that is covered by

copyright. A work is covered by copyright if the legal requirements for copyright have been met and the copyright term has not expired.

The requirements for obtaining copyright under current U.S. law are very minimal. *A work may be protected by copyright even if it does not contain any notice of copyright.* All that is required under current law is that the work displays some minimal degree of creativity and be fixed in a tangible medium of expression. In other words, unless the copyright period has expired, you should assume that a work is protected by copyright.

Because of the limitations of the copyright term, copyright has expired for any work published in the United States before January 1, 1923. For works published after that date, you should assume copyright still subsists. Even for works published before that date, copyright may subsist in a compilation or collection that contains the older work.

Fair Use

The rights of copyright are extensive, but not absolute. One of the more important limitations on copyright is the doctrine of “fair use.” The principles of “fair use” authorize some uses of copyrighted works for purposes of criticism, comment, news reporting, teaching, scholarship, and research.

It is important to note that “fair use” implies a *limited* use of the copyrighted work. For example, quoting a few lines from a Bruce Springsteen song in a classroom presentation or faculty paper housed in an institutional repository commenting on the meaning of Springsteen’s lyrics may constitute fair use, whereas reproducing an appendix containing all of Springsteen’s lyrics probably would go beyond fair use. Similarly, quoting a paragraph from a scientific journal article in a PowerPoint slide discussing the topic of the article or posting the article on a password-protected course Blackboard site would probably constitute fair use, whereas reproducing the entire article and posting it to a widely available listserv may likely go beyond fair use.

The sharing of music, movie, or other copyrighted media files without permission via peer-to-peer networks or other means is *never* fair use. In recent years, the music and movie industries have obtained substantial verdicts against individuals who have engaged in the practice of illegal file sharing.

You should also be careful about materials available on the Internet. Merely because something is available on the Internet does *not* mean that it is in the public domain. In general, you should not download pictures, videos, or other files from the Internet, or copy the contents of publicly available websites, without the express permission of the owner of the material – and in any event you should avoid downloading such files, which may contain viruses and other malware. However, it is usually permissible to provide a hyperlink to a publicly available, non-password-protected website. The public availability of a website via hyperlink generally provides at least an implied license to access the site by that means.

The doctrine of fair use has developed through a substantial number of court decisions over the years and has been codified in section 107 of the copyright law.

Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:

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

The distinction between what is fair use and what is infringement in a particular case will not always be clear or easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.¹

For additional information about copyrights, see the [FAQ section of the U.S. Copyright Office website](#).

In addition, you should be aware of the many excellent resources that are available for use under “Creative Commons” licenses. These are works for which the copyright owner has granted permission, under certain circumstances, for third party uses of the copyrighted works. The [Creative Commons website](#) contains information about what kinds of works are available as well as a searchable database of licensed works.

If you have any doubts about whether a work is covered by copyright or whether a particular use is “fair use,” you should consult copyright@shu.edu

Additional information is available on the University Libraries’ [Copyright Research Guide](#).

What is Copyright?

Following are some additional general guidelines drawn from the U.S. Copyright Office concerning the nature and limitations of copyright.

Copyright protects “original works of authorship” that are fixed in a tangible form of expression. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

1. Literary works
2. Musical works, including any accompanying words
3. Dramatic works, including any accompanying music
4. Pantomimes and choreographic works
5. Pictorial, graphic, and sculptural works
6. Motion pictures and other audiovisual works
7. Sound recordings

8. Architectural works

These categories should be viewed broadly. For example, computer programs and most “compilations” may be registered as “literary works^{22,23}” maps and architectural plans may be registered as “pictorial, graphic, and sculptural works.”

This protection is available to both published and unpublished works.

What are the Rights of a Copyright Owner?

Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- reproduce the work in copies or phonorecords
- prepare derivative works based upon the work (that is, make changes or modifications to the work) ²⁴
- distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending
- perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works
- display the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work
- perform the work publicly (in the case of sound recordings) by means of a digital audio transmission

In addition, certain authors of works of visual art have the rights of attribution and integrity as described in section 106A of the 1976 Copyright Act.

What is *Not* Eligible for Copyright?

Several categories of material are generally not eligible for federal copyright protection. These include among others:

- Works that have not been fixed in a tangible form of expression (for example, choreographic works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded)
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration
- Works consisting entirely of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources)

[Copyright Infringement](#)

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.

Examples of unlawful infringement include, but are not limited to, the following:

- Copying a movie digitally or to DVD to distribute or share with others
- Downloading movies or music from illegal sites
- Making copies or sharing movies or music via e-mail or over the network
- Joining a file sharing network with the aim of illegally downloading and sharing music, movies, games and other media
- Using applications such as Teams, Slack, Discord to share digital music, movies and other media.

Penalties

Anyone, including students, who illegally downloads or distributes copyrighted materials using the University's information technology system is subject to consequences outlined in the University's Appropriate Use Policy.

In addition, those who engage in the unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may be subject to civil and criminal liabilities under federal law. Actual damages or statutory damages may be assessed in a civil lawsuit, ranging between \$750 to \$30,000 with respect to any one work infringed, which can be increased to \$150,000 if a court finds "willful" infringement, or as otherwise provided by law. The court may also assess costs and attorneys' fees in a civil lawsuit. Federal criminal penalties include imprisonment up to five years (up to ten years for certain subsequent offenses) and fines up to \$250,000, or as otherwise provided by law. Such civil and criminal liabilities do not limit the University in its ability to also implement consequences for anyone found have engaged in copyright infringement. Any such consequences are guided by the pertinent code of conduct for the specific individual, such as the Student Code of Conduct, Faculty Guide, or the Employee Handbook.

Responsible Offices

- Provost

Approval

Related Policies

- Appropriate Use Policy
- Student Code of Conduct
- Faculty Guide
- Employee Handbook

Approved

Updated July 31, 2013.

Approved by the Senate Intellectual Property Committee September 3, 2013.

First amended by Joseph E. Nyre, Ph.D., President, on the recommendation of the Executive Cabinet, on XXXX XX, 2022.

Effective Date

July 31, 2013

- Seton Hall University
- 400 South Orange Ave
- South Orange, NJ 07079
- (973) 761-9000

Privacy Statements

Contact Us

- Student Services
- Parents and Families
- Career Center
- Technology
- Web Accessibility
- Visiting Campus
- Public Safety
- Disability Support Services
- Campus Security Report
- Employment

Follow #SetonHall

www.shu.edu/social

[Back to top](#)

[XXXXXX XX, 2022](#)