

## USE OF MATERIALS PROTECTED BY COPYRIGHT

The policy of Eastern Illinois University is to respect the intellectual property of others. With this central goal in mind, the university will make reasonable efforts to ensure that administrators, faculty, staff, and students use copyrighted material in a manner that is consistent with the spirit and the letter of the law as set forth in the federal Copyright Act ([Title 17 of the U.S. Code](#)).

### Background

Subject to specific exceptions, the owner of a copyrighted work has exclusive rights to use or authorize the use of that work including the right to:

- Make copies of the work;
- Prepare a derivative work (such as a movie based on a copyrighted book);
- Distribute copies to the public by sale or other transfer of ownership, or by rental, lease, or lending; and
- Perform or display the work publicly.

In general, therefore, a person must secure the permission of the copyright owner before doing any of these acts. An important exception, however, allows for “fair use” of a limited amount of a copyrighted work even without the owner’s permission: “Fair use of copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for class use), scholarship, or research is not an infringement of copyright.” ([17 U.S. Code §107](#).)

Performance, display or transmission of copyrighted materials in a classroom is not a copyright infringement under Section 110 of the Copyright Act ([17 U.S. Code §110\(1\)](#)). In the case of motion pictures and audiovisual works, the copy being used must be a legal copy. The Technology, Education, and Copyright Harmonization Act of 2002 (TEACH Act) extended the protections of Section 110 to online courses provided that the transmission is limited to students officially enrolled in the course for which the transmission is made. In the case of digital transmissions, the institution must apply technological measures that reasonably prevent (1) retention of the work in accessible form by recipients of the transmission from the transmitting body or institution for longer than the class session; and (2) unauthorized further dissemination of the work in accessible form by such recipients to others.

### Assistance

The university provides information and assistance to promote compliance with copyright law and facilitate the fair use of copyrighted material in meeting the university’s teaching and research missions. University students, faculty, staff, or administrators may find further information at <http://www.eiu.edu/~copyright/> or may contact the university’s copyright contact (currently, Ms. Jan Sung, Assistant Professor, Booth Library) for assistance.

Approved:  
President  
January 31, 2007

Monitor: President