

**COPYRIGHT  
INTELLECTUAL PROPERTY  
POLICIES**



## COPYRIGHT AND INTELLECTUAL PROPERTY POLICY

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject students and individuals to civil and criminal liabilities. Almost all of the music, movies, television shows, software, games and images found on the Internet are protected by federal copyright law. The owner of the copyright in these works has the right to control their distribution, modification, reproduction, public display and public performance. It is therefore generally illegal to use file sharing networks to download and share copyrighted works without the copyright owner's permission unless "fair use" or another exemption under copyright law applies.

Fair use under the federal Copyright Act allows the use without permission of copyrighted material for the purpose of criticism, comment, news reporting or teaching under certain limited circumstances. There is no blanket exception from liability for students or employees of educational university, however, and whether the use of copyrighted material without permission falls with "fair use" or one of the other exceptions in the Act depends on a very detailed, case-by-case analysis of various factors. Students should be aware that sharing music, videos, software and other copyrighted materials is very likely not to be considered a "fair use" and therefore may be a violation of the law. A violation of Argosy University's policy for use of its information technology system can result in termination of network access for the student and/or other disciplinary action including removal of the student from Argosy University.

### 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 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. 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 attorneys' 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](http://www.copyright.gov).

Argosy University's policies in regard to copyright infringement via the Internet prohibit the illegal downloading or unauthorized distribution of copyrighted materials using the Argosy University's information technology system. Argosy University's policies prohibit use of Argosy University's computer network to engage in illegal copying or distribution of copyrighted works such as by unauthorized peer-to-peer file sharing (i.e., the sharing of copyrighted works, typically in digital or electronic files) without permission.

Faculty members sign, and are expected to adhere to, the terms of Argosy University's copyright and patent policy. This policy provides for the sharing of the proceeds of discovery, subject to current laws and regulations. Of particular interest to faculty is the policy on royalties on publications or materials authored by faculty members. Argosy University encourages publication and work in their field by faculty and allows faculty to keep copyrights on materials, except in the case of works:

- Commissioned by Argosy University.
- Developed on University time.
- Accomplished under letter of appointment and grants where copyright specifications are delineated.
- Completed under agreements made in advance between the author and Argosy University.

Faculty members should inform the Human Resources Department if they have any patents or copyrights pending.

Argosy University complies with the copyright laws as applied to proprietary schools. Using and/or photocopying copyrighted material without permission in projects by faculty, students, and staff are prohibited. Faculty members are required to instruct students in the proper use of licensed materials in their works and are charged with the responsibility of monitoring the work of students to ensure that they use only licensed materials in their projects. This standard applies to printed, web-published, audio, and video materials, as well as to computer software. There are no explicitly defined specifications as to what may constitute fair use, but the following four factors must be considered:

- The purpose and character of the use, including whether the use is for commercial or non-profit educational use.
- The nature of the copyrighted work being used.
- The nature and the amount and substantiality of the material used.

- The effect of use on the actual or potential market for value of the work.

When in doubt as to whether using material is a copyright infringement, faculty members should consult with their program chairs or obtain written permission from the copyright holder. In some cases, the program chair may seek guidance from other Argosy administrators and/or EDMC legal support.