



ALLIANCE  
UNIVERSITY

## Copyright Policy & Guidelines for Fair Use

The central mission of Alliance University is to pursue excellence in teaching, learning and scholarship. The community of scholars at Alliance University has determined and established norms and values for the conduct of scholarly and scientific work that have evolved over the long history of the University.

Faculty at the University must be free to choose and pursue areas of study and concentration without interference, to share the results of their intellectual efforts with colleagues and students, to use and disseminate their own creations, and to take their created works with them should they leave the University.

This copyright policy is intended to maintain those traditional norms and values that foster, in various ways, the open and free exchange of ideas and opinions. In this regard the policy formulated here follows basic principles enshrined in the Copyright Act 1957.

The objective of the Alliance University Copyright Policy and Guidelines for Fair Use is to provide the Alliance University teaching and learning community with access to practical solutions and productive means for respecting and using intellectual property rights in the resources accessible at the Alliance University Central Library and the libraries of constituent colleges controlled and managed by the Alliance University.

Copyright issues are not to be taken for granted. Violating copyright issues would lead to legal disputes between Copyright holders/publishers and Alliance University.

Please note that this policy is intended for informational purposes only and should not be considered legal advice.

The Library committee of the Alliance University will address any issues concerning the proper interpretation of this Policy and to resolve any disputes between creators and the University concerning ownership of works and what constitutes substantial use of University resources. Members of the University community may obtain advice from this Committee. An expert in Intellectual Property Law shall serve as an *ex officio* member of the Committee. The creator of a work may appeal the decision of the Committee to the Hon'ble Chancellor, Alliance University. The decision of the Hon'ble Chancellor will be final. Decisions of the Library committee and the Hon'ble Chancellor will be publicly available.

**Review of Copyright Policy** - Three years after the effective date of this Policy, the Hon'ble Chancellor shall appoint a committee consisting of a majority of faculty members and broadly representative of the various schools and divisions of the University, to review this Policy and its implementation, and if appropriate, to recommend revisions to the Policy, including whether to conduct a subsequent review at any time thereafter.

## General Copyright Information

### Intellectual Property

Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. Copyright is also one of the Intellectual Property.

### Copyright Law

The Copyright is an exclusive legal right, given to the originator or their assignee for a fixed number of years to print, publish, perform film, or record literary, artistic or musical material, and to authorise others to do the same.

Copyright law protects the economic and moral rights of authors as well as related rights provides for "Fair Use" exceptions and limitations for the benefit of society. In this instance fair use provisions enable libraries and similar entities to access protected resources for educational purpose.

**Section 51 of the Copyright Act 1957 says when copyright infringed.** -Copyright in a work shall be deemed to be infringed-

(a) when any person, without a licence granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act-

(i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or

(ii) permits for profit any place to be used for the communication of the work to the public where such communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be an infringement of copyright; or

(b) when any person-

(i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(iii) by way of trade exhibits in public, or

(iv) imports into India, any infringing copies of the work

Provided that nothing in sub-clause (iv) shall apply to the import of one copy of any work for the private and domestic use of the importer.

Explanation.- For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an "infringing copy".

### Royalty

In a copyrighted work a sum paid to an author or composer for each copy of the book sold or for each public performance of work as agreed upon with the publisher or producer.

### Resource covered under Copyright (List is inclusive not exhaustive)

- Books
- Articles from Journals (Printed or Online)
- Case Studies
- Chapter/s from book/s

- Databases
- Software

**Copyright Notice:**

**Generally Copyright holders/publishers give notice that** “No part of the publications (Articles, cases, books) may be produced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, scanning or any information storage and retrieval system, without prior permission.”

“Upon acceptance of an article by the journal, the author(s) will be asked to assign copyright of the article to the publisher. The assignment will ensure the widest possible dissemination of information. The Journal and the individual contributions contained in it are protected by the copyright of the publisher and the following terms and conditions apply to their use:

Single photocopies of single articles may be made for personal use as allowed by copyright laws. Permission of the publisher and payment of a fee is required for all other photocopying, including multiple or systematic copying, copying for general distribution, for advertising or promotional purposes, for creating new collective works, for resale, and all forms of document delivery. Special rates are available for educational institutions that wish to make photocopies for non-profit educational classroom use.”

Hence, for copyright clearance we should approach the holder of the copyright. It may subsist with the author or assigned to the publisher. In most of the cases, the publishers hold the copyrights.

Copyright holder can grant authorization for individuals to photocopy copyrighted materials for private research use. This authorization does not extend any other kind of copying, by any means, in any form, and for any purpose other than private research use.

Authors may use their own material in other publications provided that the journal is acknowledged as the original place of publication and the publisher is notified in writing in advance.

**Harvard Cases:** The following statement must appear on the title/first page of the material you are reproducing: “One time permission to reproduce granted by Harvard Business School Publishing. For example if somebody got permission on 31<sup>st</sup> January 2012 he must mention like- 01/31/12.”

**Teaching Notes/Instructor’s manual /Text Books:** All the prescribed text books published by various publishers will be accompanied with instructions/solutions manual to be used by the Faculty. Photocopying or Use of these instructor’s manuals by students during the term is strictly prohibited.

Publishers such as Harvard Business School Publishing, European Case Clearing House, etc hold the copyrights for all the publications published by them directly and also by other leading publications such as MIT, INSEAD, etc.

**Following guidelines to be followed in terms of having a fair use of all the materials at Alliance University.**

**Fair Use:**

The fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified in that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include-

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 used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors."

Consideration of all factors is required although all factors do not have to be in favor of a use to make it a fair one. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of ALL the above factors.

Also give credit: Include appropriate citations and attributions to the source. Include any copyright notice on the original.

Repeated use: If the copyrighted material is used repeatedly for the same course or used once in multiple sections of a course, permission should be obtained from the copyright owner.

**Section 52 of the Copyright Act of 1957 says certain acts not to be infringement of copyright**

**(1) The following acts shall not constitute an infringement of copyright, namely:**

(a) a fair dealing with a literary, dramatic, musical or artistic work not being a computer programme for the purposes of-

- (i) private or personal use, including research;
- (ii) criticism or review, whether of that work or of any other work; "
- (iii) the reporting of current events and current affairs, including the reporting of a lecture delivered in public.

**Explanation:** The storing of any work in any electronic medium for the purposes mentioned in this clause, including the incidental storage of any computer programme which is not itself an infringing copy for the said purposes, shall not constitute infringement of copyright.

(aa) the making of copies or adaptation of a computer programme by the lawful possessor of a copy of such computer programme, from such copy-

(i) in order to utilise the computer programme for the purposes for which it was supplied; or

(ii) to make back-up copies purely as a temporary protection against loss, destruction or damage in order only to utilise the computer programme for the purpose for which it was supplied;"

"(ab) the doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available;

(ac) the observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;

(ad) the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use; ;

(b) the transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public;

(c) transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the right holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy:

Provided that if the person responsible for the storage of the copy has received a written complaint from the owner of copyright in the work, complaining that such transient or incidental storage is an infringement, such person responsible for the storage shall refrain from facilitating such access for a period of twenty-one days or till he receives an order from the competent court refraining from facilitating access and in case no such order is received before the expiry of such period of twenty one days, he may continue to provide the facility of such access;

(d) the reproduction of any work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;

(e) the reproduction or publication of any work prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;"

(f) the reproduction of any work in a certified copy made or supplied in accordance with any law for the time being in force;

(g) the reading or recitation in public of reasonable extracts from a published literary or dramatic work;

(h) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for instructional use, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for such use in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

*Explanation.*-In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;

(i) the reproduction of any work-

- (i) by a teacher or a pupil in the course of instruction; or
- (ii) as part of the questions to be answered in an examination; or
- (iii) in answers to such questions;

(j) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a sound recording if the audience is limited to such staff and students, the parents and guardians of the students and persons connected with the activities of the institution or the communication to such an audience of a cinematograph film or sound recording;;

(k) the causing of a recording to be heard in public by utilising it,-

(i) in an enclosed room or hall meant for the common use of residents in any residential premises

(not being a hotel or similar commercial establishment) as part of the amenities provided exclusively or mainly for residents therein; or

(ii) as part of the activities of a club or similar organisation which is not established or conducted for profit;

(iii) as part of the activities of a club, society or other organisation which is not established or conducted for profit;

(l) the performance of a literary, dramatic or musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution;

(m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction;

(n) the storing of a work in any medium by electronic means by a noncommercial public library, for preservation if the library already possesses a non-digital copy of the work;;

(o) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a non-commercial public library for the use of the library if such book is not available for sale in India; (p) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access :

Provided that where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be, the provisions of this clause shall apply only if such reproduction is made at a time more than sixty years from the date of the death of the author or, in the case of a work of joint authorship,

from the death of the author whose identity is known or, if the identity of more authors than one is known from the death of such of those authors who dies last;

(q) the reproduction or publication of-

(i) any matter which has been published in any Official Gazette except an Act of a Legislature;

(ii) any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;

(iii) the report of any committee, commission, council, board or other like body appointed by the Government if such report has been laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;

(iv) any judgment or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be;

(r) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder-

(i) if no translation of such Act or rules or orders in that language has previously been produced or published by the Government; or

(ii) where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public:

Provided that such translation contains a statement at a prominent place to the effect that the translation has not been authorised or accepted as authentic by the Government;

(s) the making or publishing of a painting, drawing, engraving or photograph of a work of architecture or the display of a work of architecture;

(t) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work failing under sub-clause (iii) of clause (c) of section 2, if such work is permanently situate in a public place or any premises to which the public has access;

(u) the inclusion in a cinematograph film of-

(i) any artistic work permanently situate in a public place or any premises to which the public has access; or

(ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film;

(v) the use by the author of an artistic work, where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work : Provided that he does not thereby repeat or imitate the main design of the work;

(w) the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purposes of industrial application of any purely functional part of a useful device;

(x) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed :

Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings and plans;

(y) in relation to a literary, dramatic , artistic or musical work recorded or reproduced in any cinematograph film the exhibition of such film after the expiration of the term of copyright therein :

Provided that the provisions of sub-clause (ii) of clause (a), sub-clause (a) of clause (b) and clauses (d), (f), (g), (m) and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgment-

(i) identifying the work by its title or other description; and

(ii) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgement of his name should be made, also identifying the author.

(z) the making of an ephemeral recording, by a broadcasting organisation using its own facilities for its own broadcast by a broadcasting organisation of a work which it has the right to broadcast; and the retention of such recording for archival purposes on the ground of its exceptional documentary character;

(za) the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any bona fide religious ceremony or an official ceremony held by the Central Government or the State Government or any local authority.

Explanation.- For the purpose of this clause, religious ceremony including a marriage procession and other social festivities associated with a marriage.

(zb) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by-

(i) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or

(i) any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons:

Provided that the copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production:

Provided further that the organisation shall ensure that the copies of works in such accessible format are used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

*Explanation.-*For the purposes of this sub-clause, "any organisation" includes and organisation registered under section 12A of the Income-tax Act, 1961 and working for the benefit of persons



with disability or recognised under Chapter X of the Persons with Disabilities (Equal Opportunities, Protection or Rights and full Participation) Act, 1995 or receiving grants from the government for facilitating access to persons with disabilities or an educational institution or library or archives recognised by the Government".

(zc) the importation of copies of any literary or artistic work, such as labels, company logos or promotional or explanatory material, that is purely incidental to other goods or products being imported lawfully."

(2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.

### **For Alliance University Faculty & Staff**

#### **Multiple Copying for Classroom Use**

Each copy is required to contain notice of copyright. Each copy must have notice of copyright holder. (Copyright year, publisher). Three tests are required for each instance of multiple copying:

#### **Brevity**

**Poetry:** If a poem is less than 250 words and is printed on not more than two (2) pages, it may be copied in its entirety. If the poem is longer than 250 words, only 250 words may be copied. The law does allow an unfinished line to be included if the 250-word limit should happen to fall in the middle of a line.

**Prose:** If a complete article, story, or essay is less than 2500 words, it may be copied in its entirety. For other types of prose, such as plays, novels or letters, a copy must not be more than 1000 words or 10% of the whole, whichever is less. No matter how short the work, one may copy an excerpt of 500 words. This means that if a work is only 1000 words in total, an instructor may copy 500 words even though that amount exceeds the 10% guideline. [Exception: Literature composed of text and significant illustrations, generally known as picture books, is usually shorter than the 2500 word limit for complete copying. The law provides a prohibition against copying works of this type in its entirety. Only two (2) pages of a picture book may be copied as long as those two (2) pages do not comprise more than 10% of the text of the book].

Illustration: One chart, graph, drawing, cartoon diagram, or picture may be copied per book or periodical issue. These copies must be photocopies or other exact copies. Enlarging or modifying the illustration in any way violates the author's right of adaptation and display.

#### **Spontaneity**

The individual instructor must initiate the making of multiple copies. This excluded department heads or members of administration. The making of multiple copies must be at the inspiration of the individual instructor. The instructor may not use that same article, illustration or poem in subsequent semesters or years without permission.

#### **Cumulative Effect**

Copyright guidelines want to assure that copying is not substituting for purchase of books and periodicals. Copying must be done for only one course.

Fair Use Rules of Thumb for Print Materials An instructor may copy (or ask to have copied) for purposes of research, teaching, or preparation for teaching:

A single copy of a chapter from a book.

A single copy of an article from a periodical or newspaper;

A single copy of a short story, short essay, or short poem, even if it is contained in a collection;

A single copy of a graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

There shall be no copying from works intended to "consumable: in the course of study or of teaching. These include workbooks, exercises, standardized tests, test booklets, answer sheets, and similar consumable material.

Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term without permission from the copyright owner.

### **Reserve Guidelines for Print and Electronic (Digital) Material**

Electronic reserve operations include the making of a digital version of text, the distribution and display of that version at workstations, and downloading and printing of copies.

Reserve systems may include short items

1. No more than one chapter from any given book.
2. No more than one article from any given issue of a journal or newspaper.
3. No more than one short story, short essay, or short poem from any given book.
4. No more than one graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Copying from works intended to be "consumable" (e.g. workbooks, exercises, standardized tests, and test booklets) violates copyright law.

Photocopies or digitized copies must display a copyright notice and attribution of source on the first page of the portion of the material photocopied or digitized.

If the intent is to use photocopies or electronic copies for more than one semester, instructors are advised to request permission from the copyright holder.

Copyright permission for the majority of material may be obtained from the publisher or the Copyright Clearance Center at <http://www.copyright.com>. Royalties are usually required.

### **Suggested alternatives to photocopying or digitizing material:**

Use of full-text articles available in databases that Alliance University subscribes to.

Depending on our licensing agreements with individual vendors, it may be legal to add a persistent URL for full-text articles to Electronic Reserves or to Course Web pages (Educator).

When students are expected to read more than one chapter from a book, consider placing one or more published copies of the actual textbook on Reserve.

Individual issues of print journals that Alliance University owns may be placed on Reserve.

### **Course packs**

Limit course pack materials to:

- Single chapters
- Single articles from a journal issue
- Several charts, graphs or illustrations
- Other similarly small parts of a work

Include:

- Any copyright notice on the original
- Appropriate citations and attributions to the source

Obtain permission from the copyright owner for material that will be used repeatedly by the same instructor for the same class.

### **Course Web Pages (Educator)**

Texts no longer covered by copyright and therefore in the public domain are freely permitted on course web pages. Works published before 1952 can generally be assumed to be out of copyright. An instructor may (copy or scan or ask to have copied or scanned) for the purposes of research, teaching, or preparation for teaching:

A single copy of one chapter from a book.

However, copying or scanning cannot substitute for the purchase of books or be repeated with respect to the same item by the same teacher from term to term.

The text, images, etc., on a course webpage should never be extensive enough to substitute for the purchase of textbooks or course packets. All posted materials covered by copyright must include complete citations to original works and clear copyright notices. The documents section of the webpage should be restricted to the students enrolled in the course, the professor, and necessary system administrators. If you are going to use the same copyrighted material repeatedly on a course webpage, get permission and pay a reasonable fee for it. To fall within the "safe harbor"

Where permission of the copyright holder does not need to be obtained:

- Number-  
The number of copies cannot exceed the number of students in a course.
- Brevity-  
Only complete articles of less than 2,500 words in length or excerpts consisting of not more than 10% of longer works may be included.
- Spontaneity-  
There must be sufficient time to request permission prior to using the material in the course. This requirement precludes reuse (without permission) of copyrighted materials in subsequent offerings of the course.
- Cumulative effect-  
Not more than one (1) article may be copied from any single author nor more than three (3) articles from a single volume. No more than nine (9) articles may be used in any one course.
- Attribution-  
Posted materials must display appropriate copyright notices.

## **Off-Air Recording of Broadcast Programming for Educational Purposes**

1. The guidelines were developed to apply only to off-air recording by non-profit educational institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by Alliance university for a period not to exceed the first forty-five consecutive calendar days after date of recording. At the conclusion of this retention period, the recording must be destroyed or erased.
3. Off-air recordings may be used once by individual instructors in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building on campus, as well as in the home of students receiving formalized home instruction during the first consecutive school days in the forty-five calendar day retention period. School days are school session days only, with the forty-five calendar day retention period.
4. Off-air recordings may be made only at the request of and used by individual instructors, and may not be recorded in anticipation of program requests. No broadcast program may be recorded more than once at the request of the same instructor, regardless of the number of times the program is broadcast.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of instructor under these guidelines. Each additional copy will be subject to all provisions governing the original recording.
6. After the first ten consecutive in-session school days, off-air recordings may be used up to the end of the forty-five calendar day retention period only for instructor evaluation (whether or not to include the broadcast program in the teaching curriculum), and may not be used in Alliance University for student exhibition or any other non-evaluation purpose without permission or authorization.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from the original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recording must include the copyright notice on the broadcast program as recorded.
9. Alliance University is expected to and will establish appropriate control procedures to maintain the integrity of the guidelines.

### **Distance Learning**

1. The guidelines apply to lawfully acquired copyrighted works whether dramatic or audiovisual, transmitted over a satellite, secure computer network or by closed circuit.
2. The transmission can be made to a classroom or similar place or to a site controlled by Alliance University to officially enrolled students.
3. Classes, as part of the college's systematic instruction, must be either
  - Live, interactive distance learning classes; or
  - Faculty instruction without students present for later transmission.
4. Copies of the transmission may be retained for 15 consecutive class days.

5. Permission is required for any commercial use and for any use of the resulting tape beyond 15 days.

### **For Alliance University Students**

#### **Copyright & the Internet**

1. Students have the exclusive right to produce derivative works and to publish, perform and display any that they have created. Alliance University must obtain student permission before publishing the work on the Internet and give proper copyright attribution to the student. Permission forms may be obtained for this from the Central library of the university.
2. In the event that a student wishes to use another individual's work by publishing it on the Internet, the student must obtain the owner's permission.
3. If a student downloads a copyrighted piece of material from the Internet, the material can be used within the classroom setting without violating copyright.
4. Educators who use the Internet are subject to copyright laws
  - as agents of Alliance University (for liability purposes) and
  - as employees who create works made for hire.
5. A website is a copyrightable form of expression. When employees (faculty & staff) create websites as a condition of employment, the website becomes the property of Alliance University.
6. If a website created by an employee of Alliance University becomes an issue involving legal action, the University may be liable for contributory infringement, if it is found to have knowledge that material used to create the website has violated copyright.

#### **Educational Multimedia**

1. Guidelines, which are subject to portion and time limitations, permit students to:
  - Incorporate other's works into their multimedia creations and perform and display them for academic assignments, as long as the portion and time limits are met;
2. The guidelines permit instructors to incorporate others' works into multimedia creations to:
  - Create curricular materials
  - Teach remote classes where the total number of students is limited;And
  - Demonstrate at peer conferences
3. Students and faculty may retain their multimedia creations for no more than 2 years after the creation of the work.
4. Students and faculty may use not more than:
  - For motion media, the lesser of 10% or 3 minutes
  - For text, the lesser of 10% or 1000 words
  - For photos and images, the lesser of 10% or 15 works from a collection, up to 5 works from a single author;
  - For databases information, the lesser of 10% of 2500 fields
5. Performance rights are key to the permissions available for use. Videos are sold with and without "non-theatrical-public-performance rights." Section 52 of the Copyright Act 1957 allows showing videocassettes labeled "for Home Use Only" in classrooms under the following conditions: Legitimately-made copies may be shown only to teachers and students in face-to-face instruction, in courses given for academic credit, in classrooms or other location devoted to instruction (e.g. laboratories, gymnasiums, libraries, etc.). Educators may claim fair use for their own productions providing these productions are:
  - For face-to-face curriculum-based instruction
  - Demonstrations of how to create multimedia productions
  - Presented at conferences but you may not share copies of the actual production)

- For remote instruction as long as the distribution signal is limited
  - Kept for only 2 years
6. Videotapes licensed for "home-use only" may be used in a classroom if:
    - The tape is a legitimate copy
    - The tape is played in a location devoted to face-to-face instruction and relates to a part of the course curriculum or teaching activity
    - The tape is presented by either the instructor or the students and viewing is limited to instructors, students and guest instructors
    - The tape is used for educational purposes and not for entertainment
  7. A format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace.

### **Digital Images**

1. The use of digital images is permissible when:
  - The image has been lawfully acquired;
  - The image is not readily available in usable form for purchase or license
2. Students and educators engaged in instructional activities can use such images as long as:
  - The image is displayed for educational purposes, including peer conferences, term papers or retention in personal portfolios for graduate work or employment;
  - They include a copyright notice that credits the source

### **Computer Software**

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**Sources:**

Copyright Act 1957 as Amended up to 7<sup>th</sup> June, 2012

Cornell University Copyright Policy

Columbia University Copyright Policy

Georgia Harper System of Copyright

University of Texas System of Copyright

Music Library Association Copyright Policy.

[www.wipo.int](http://www.wipo.int)

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