

Copyright Information for WAU Students and Employees

What Is Copyright?

“Copyright is a form of protection provided by the laws of the United States to the authors of ‘original works of authorship’ that are fixed in a tangible form of expression. An original work of authorship is a work that is independently created by a human author and possesses at least some minimal degree of creativity. A work is ‘fixed’ when it is captured (either by or under the authority of an author) in a sufficiently permanent medium such that the work can be perceived, reproduced, or communicated for more than a short time” (*Copyright Basics*, U.S. Copyright Office, Circular 1, September 2017).

Copyright protection in the U.S. exists automatically from the time the original work of authorship is “fixed” and regardless of whether the copyright symbol (©) is attached to it. As the creator of a work, its author is the owner of the copyright and has certain exclusive rights by law. These include the right to reproduce the work; create derivatives of the work; distribute copies of the work; perform or display the work publicly; and digitally transmit the work (17 U.S.C. 106). Further, copyright law allows copyright owners to transfer or authorize others to exercise these exclusive rights subject to limitations.

Copyright Violations & Legal Penalties

Copyright violations occur when a person or entity exercises the exclusive rights of a copyright owner without his or her permission. Depending on circumstances, some examples of common copyright violations include:

- Photocopying a book or magazine in its entirety.
- Modifying a photo or graphic and posting it on a website.
- Showing a motion picture to a small public audience.
- Sharing a digitized musical recording on the Internet.
- Uploading a television program to a social network.

Students and employees of Washington Adventist University are expected to obey the copyright laws of the United States. Those held responsible for copyright law violations, including the unauthorized reproduction and distribution of copyrighted works through file sharing on the Internet, may be subject to federal legal penalties, including fines and imprisonment.

Copyright violations can result in significant 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 cases of “willful” infringement, a court may award up to \$150,000 per work infringed. Further, willful copyright infringement can result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense (17 U.S.C. 504,505).

For more information about U.S. copyright laws and the legal penalties for copyright infringement, see www.copyright.gov.

Washington Adventist University Copyright Policies

- 1** Copyright is one of the intellectual property rights afforded to authors and inventors under Article I, Section 8 of the U.S. Constitution.
- 2** The copyright laws of the United States are found in Title 17 of the U.S. Code and include the *Copyright Act of 1976*.
- 3** All students and employees of WAU are expected to obey the U.S. copyright laws and adhere to the copyright policies of the university.
- 4** The copyright laws of the U.S. provide copyright owners with exclusive rights, including the right to reproduce their copyrighted works; create derivatives of their works; distribute copies of their works; publicly perform or display their works; and digitally transmit their works.
- 5** The copyright laws of the U.S. also limit the exclusive rights of copyright owners and permit others to make “fair use” of copyrighted works for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.
- 6** The students and employees of WAU are prohibited from using copyrighted works in manners that are unauthorized by copyright law and inconsistent with fair use.
- 7** The students and employees of WAU are prohibited from using the institution’s information technology systems (e.g. photocopiers, computers, and networks) for the unauthorized reproduction or distribution of copyrighted materials.
- 8** The students and employees of WAU are prohibited from using the institution’s information technology systems (e.g. devices, computers, and networks) to illegally download or upload copyrighted materials to file sharing networks, social media websites, or other online platforms.
- 9** Any student that engages in the illegal reproduction or distribution of copyrighted works while enrolled at WAU may be subject to the disciplinary actions described in the *Student Handbook*, including warning, suspension, and expulsion.
- 10** Any employee that engages in the illegal reproduction or distribution of copyrighted works while employed by WAU may be subject to the disciplinary actions described in the *Handbook and Policy Manual for Faculty and Staff*, including warning, suspension, and termination.

Legal Sources for Copyrighted Works

The following websites provide access to many legal sources of copyrighted works, including books, music, and movies:

- [Legal Sources of Online Content](#) | Educause
- [Watch It Legally](#) | Motion Picture Association of America
- [Why Music Matters](#) | Recording Industry Association of America