

THE NEW SCHOOL CENTER FOR MEDIA

Copyright Infringement

Revision Date: March 2021

PURPOSE

The purpose of The New School Center for Media ("The New School") Anti-Copyright Infringement Policy is to make all members of The New School community aware of the serious consequences related to the unauthorized use of copyrighted material, and to explain the policies and procedures The New School follows in responding to notifications of alleged copyright infringements involving The New School network supersedes all prior policies and guidance relating to Copyright Infringement.

COVERED PERSONS

All employees and students of The New School Center for Media

THE LAW

Copyright is legal protection of intellectual property, in whatever medium, that is provided for by the laws of the United States to the owners of copyrights. According to the U.S. Copyright Office, a Copyright is a form of protection provided by the laws of the United States (Title 17, U.S. Code) to the authors of 'original works of authorship,' including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. The Copyright Act generally gives the owner of a copyright the exclusive right to do and to authorize others to do the following:

- To reproduce the work
- To prepare derivative works
- To distribute copies
- To perform the work publicly
- To display the work publicly
- To perform the work publicly

Sections 107 through 121 of the 1976 Copyright Act establish limitations on some of the above rights. The law permits "fair use" of copyrighted material without the copyright owner's permission in certain circumstances (see 17 U.S.C. § 107). Notably, however, the fair use doctrine favors non-profit entities. When determining whether the fair use doctrine applies, the following statutory criteria are taken into consideration:

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

Some works are not protected by copyright and fall into the “public domain.” For example, works created by a United States government employee within the scope of employment, or works for which copyright has expired (generally, 70 years after the life of the author). Once a work is in the public domain, it may be used without obtaining copyright permission.

Digital Copyright Law

The Digital Millennium Copyright Act (DMCA) recognizes that digital transmission of copyrighted works adds complexity to the law. This act amended the copyright law to provide regulations for works cited via the World Wide Web (the Internet). To review an on-line copy of this act, visit <http://lcweb.loc.gov/copyright/legislation/hr2281.pdf>.

Penalty for Infringement

An infringement is a violation of law, regulation, or agreement. The unauthorized use of copyrighted material is an infringement of copyright law and illegal. Unauthorized use or distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject violators to civil and criminal liability.

These rights include the right to reproduce or distribute a copyrighted work. In the filesharing 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 <https://copyright.gov>.

Policy

The New School strictly prohibits any and all of the following, including on its computer systems or networks: copyright, trademark, patent, trade secret or other intellectual property infringement, including but not limited to using any copyrighted names, texts, or images, offering pirated computer programs or links to such programs, serial or registration numbers for software programs, copyrighted music, or similar content.

The New School users should not make unauthorized copies of copyrighted material on or using The New School's computer systems, networks or storage media. Further, The New School users should not store unauthorized copies of copyrighted works using The New School's systems, networks or storage media.

The New School users should not download, upload, transmit, make available or otherwise distribute copyrighted material without authorization using The New School's computer systems, networks, Internet access or storage media. This is inclusive of utilizing unlicensed/unauthorized peer-to-peer file services that would promote copyright infringement. The New School reserves the right to monitor its computer systems, networks and storage media for compliance with this policy, at any time, without notice, and with or without cause.

Additionally, The New School reserves the right to delete from its computer systems or storage media, or restrict access to, any seemingly unauthorized copies of copyrighted materials it may find, at any time and without notice.

If users utilize copyrighted material for educational, instructional, research, scholarship or like arenas, The New School will follow the legal doctrine of fair use, currently part of the copyright law.

Users who violate this policy are subject to disciplinary action as appropriate under the circumstances. Such disciplinary action may include termination, expulsion and other legal actions.

NOTICE PROCEDURES

It is expected that all members of The New School community will comply with applicable copyright laws. However, if the institution is notified of claimed copyright infringement, or otherwise becomes aware of facts and circumstances from which infringement is apparent, it will respond expeditiously by removing, or disabling access to, the material that is claimed to be infringing or to be the subject of infringing activity.

Notice of Claimed Copyright Infringement

Violation of the above policy can expose the user (anyone with access to the campus systems and workstations) and The New School to severe civil and criminal liability under copyright law. Hence, users are required to adhere to the law and policy set out above. For questions or concerns related to copyright compliance and claimed copyright infringement, please contact the designated agent for The New School (see below).

If there is a belief that any The New School faculty, staff, or student has infringed the rights of a copyright owner, please contact the designated agent via written notification. A written notice of the claimed copyright infringement, in accordance with the specifications of the DMCA, should include the following information:

1. Contact Information including complete name, mailing address, email address, phone and fax numbers;
2. Identification of the copyrighted work claimed to have been infringed;
3. Statement that the information in the notice is accurate with electronic or physical signature of the copyright owner or authorized person acting on the behalf of the owner of work claimed to be infringed;
4. Any additional information supporting claim.

Any questions please email admin@newschoolalbany.edu.