

Copyright Policy and Course Materials

Answers to questions

Copyright Policy and Course-pack Info Sheet

Seattle University's Copyright Policy can be found at:
<https://www.seattleu.edu/media/policies/Copyright-Ownership-Policy-Final-7-1-15.pdf>.

All faculty are expected, indeed have an ethical and legal duty, to comply with the University's Copyright Policy. The Copyright Compliance Office and Reprographic Department are available to assist in that compliance.

The law is well settled that not all academic use of copyrighted materials is fair use. If you are reproducing someone else's work for an academic course-pack.

Copyright Clearance Due Dates for Course-packs

ALL "NEW", "Repeats" & "Altered materials are due at least **8 Weeks**
prior to the start of each quarter.

Deadlines can be found on our website:

<https://www.seattleu.edu/repro/deadlines/>

You must get permission for each work unless you are confident that the work is a government publication, in the public domain or the author has given you permission.

Obtaining the proper permission to reproduce copyrighted material is very important. Until 1991, many professors and photocopy shops assembled and sold course-packs without obtaining permission from the authors or publishers. The professors assumed that educational copying qualified as a "fair use" under copyright law, regardless of the circumstances. In 1991, a federal district court ruled that a publisher's copyright was infringed when a Kinko's copy shop reprinted portions of a book in an academic course-pack. *Basic Books Inc. v. Kinko's Graphics Corp.*, 758 F.Supp. 1522 (S.D. N.Y. 1991).

The court's decision was controversial, but in 1996 the Sixth Circuit Court of Appeals ruled against another copy shop owner, holding that the shop's copying for academic course-packs did not qualify as a fair use. *Princeton Univ. v. Michigan Document Servs.*, 99 F.3d 1381 (6th Cir. 1996).

Copyright Compliance Office will clear copyrighted materials for your course-pack. We request that you supply us with **original source materials**. If these are not available, ISBN or ISSN numbers, publication date, volume numbers, issue number (if a periodical), and page numbers are elements needed to clear copyrights.

The time frame required to obtain permission depends on who holds the rights to the materials. The deadline for submission of materials for copyright clearance is eight weeks prior to the start of a quarter. Some publishers can take 6-8 weeks to respond to queries. The sooner you are able to get your materials in, the more pro-active we can be.

Disclaimer: This packet contains general information and is not intended to substitute for specific legal advice. For questions, please contact the University Counsel's Office at 206-296-2043 or email policies@seattleu.edu.

Please note that the Copyright Compliance staff is happy to work with faculty in making changes to course-packs prior to the placement of the final order. The Copyright Office will provide each faculty member with an estimate of the permission fees prior to placing the final order.

Please note, however, that once the Copyright Compliance Office incurs permission fees for a course-pack, the academic department is responsible for payment even if the faculty member decides to withdraw the work from the course-pack. If you would like to obtain copyright permissions yourself, the Copyright Compliance staff is happy to walk you through the process.

Preparing Material for Scan, Copy, Print or Upload

- Gather materials for inclusion in your course-pack. You can email pdfs to copyright@seattleu.edu, or we can create scans for \$0.33 per page.
- Fill in as much information as possible on the “Copyright Permission Request Form”. **List the material in the order you want it to appear in the final course pack.** Note out any material that will not require copyright permission (e.g., a summary you have created or other original material).
- Decide on the layout of the print job (1 or 2 sided, dividerpages, chapter starts, and type of binding). We will be happy to assist you, and to create a cover page and table of contents for you.
- Email the completed form to the Copyright Coordinator at copyright@seattleu.edu

Production

Reprographics will produce your course-pack to your specifications once any necessary permissions are obtained.

SUPerCopy is the retail side of Reprographics, and serves as the retail sales outlet for copyright-cleared course packs.



For questions about copyright clearance please contact:

Copyright Policy Coordinator
copyright@seattleu.edu
x2308

Arsenio Roddy-Little
Manager
Reprographic Services
roddylit@seattleu.edu
x2658

For questions about course-pack production, please contact:

Reprographic Services
x6180

A Note About Costs

Copyright permissions vary widely in cost depending on who holds the rights. Many individual rights-holders will grant permission to an academic institution to use their work without charge. Others will charge a nominal fee of \$0.10 per page, per copy. Still others charge market rates that can materially increase the price of the course-pack to students. Harvard Case Studies range in price from \$4.00 to \$6.00 per case study/per copy. Major metropolitan newspapers, such as *The New York Times* and *The Washington Post*, charge \$1.00 per page, per copy. Prominent journals and magazines such as *The Economist* charge \$2.00 per page, per copy.

Most copyrights are owned by the publisher. Publishers vary in how they charge for permissions. Many charge per page and per copy while others charge a flat fee. Depending on materials selected for use in a course-pack, permissions can significantly increase the cost of the pack. You may want to research the cost of permissions before making a final decision about content of your course-pack. Reprographics will be happy to supply you with an itemized estimate for your approval prior to the printing of the course packs.

Many people are surprised to learn that if the exact same material from a prior copyright-cleared course-pack is used in a new pack, copyright fees must be paid again. Generally, copyright permissions are obtained on a per-use basis, and just because we are granted permission for certain material at a certain price one year does not guarantee that we can obtain permission again the following year for the same price.

Some Money Saving Tips

Although copyright permissions can be expensive, there are options available to faculty and students other than traditional course-packs. The Copyright Compliance staff will be happy to provide cost-effective alternatives for expensive resource materials.

The two most cost effective options available to the campus community are the Lemieux Library and the internet. For example, a professor can direct the students on-line databases the library subscribes to, such as ProQuest, where the students can read and print articles from *The Economist* for their own use. Please note that students are also subject to copyright laws, and their duplication or reproduction of a protected work must also comply with the law. A list of the available databases can be found here: <http://libguides.seattleu.edu/databases/>

For questions about the **Lemieux Library** and available online databases please contact: Jan Hartley, Director of Resource Acquisitions and Management, Lemieux Library
HARTLEYJ@seattleu.edu

Off-Campus Alternatives

Seattle University has selected three off-campus copyright services to assist with copyright clearance and production.

XanEdu

www.xanedu.com

XanEdu is an online source for creating course-packs that are digital or printed or a combination of both.

University Readers

seattleu.universityreaders.com

University Readers offers digital course-packs and printed course-packs with 10% of the course-pack available free online to students if the printed packs are not available by the first day of class.

University Custom Publishing

www.uscbookstore.com

UCP is a division of the University of Southern California and offers printed course-packs.

Off-campus sources offer a turnaround of five days for printed packs with non-copyrighted materials, a turnaround of two weeks for packs with previously cleared copyrighted material, and up to eight weeks for printed packs with previously un-cleared copyrighted materials.

The Risk Copyright Infringement

The consequences of not complying with Copyright Law and the University's policy can be severe both monetarily and professionally.

In a copyright infringement law suit, a copyright holder may choose to recover damages at the statutory rate – from \$750 to \$30,000 ¹ for each incidence of copyright infringement established in trial. If it is proven that the copyright infringement was committed “willfully,” the court can require the defendant to pay up to \$150,000 ² per infringed work.

One must also consider attorneys' fees. Hiring a defense attorney for a copyright infringement trial is expensive. In addition, the defendant may also have to pay for the copyright holder's attorney if the plaintiff wins in trial.

And, you may have to pay for your own defense.

The **University's Copyright Policy** states:

If faculty members or staff members are accused of copyright infringement in a civil action, the University will, to the extent appropriate under applicable law, assist in their defense when, in the University's determination, the faculty or staff member made a reasonable, good faith effort to comply with this policy and the Guidelines. Otherwise, faculty and staff members are personally responsible for defense of civil, criminal, or other legal actions alleging unlawful acts.

The University's Copyright Committee will assist you in overcoming obstacles you may encounter when attempting to use copyright materials. The committee is here to answer your questions, address concerns and assist you in becoming comfortable with the four factors of fair use. There is potentially so much to lose if you violate copyright law.



¹ 17 USC Section 504 (c) (1)

² 17 USC Section 504 (c) (2)