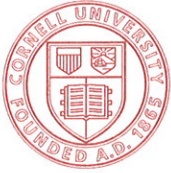


## **Cornell Electronic Course Content Copyright Guidelines**

- The copyright law of the United States (Title 17 of the United States Code) governs the making of photocopies or other reproductions of copyrighted material. The making of an electronic copy of a copyrighted work by any means (e.g., scanning, digitizing, ripping, etc.) constitutes reproduction that is governed by copyright law. Cornell expects all members of the university community to respect copyright. Copyright infringement is a violation of university policy and can result in the imposition of discipline under the Campus Code of Conduct and the Code of Academic Integrity as well as human resource policies.
- The copyright principles that apply to instructional use of copyrighted works in electronic environments are the same as those that apply to such use in paper environments. Any use of copyrighted electronic course content that would require permission from the copyright owner if the materials were part of a printed coursepack likewise requires the copyright owner's permission when made available in electronic format.
- Fair use is a longstanding doctrine, embodied in Section 107 of the Copyright Act, which recognizes the importance of accessing, using, and building upon copyrighted works in the context of teaching, research, and scholarship. The law establishes a zone of "fair use" protection for copying or disseminating copyrighted works without obtaining permission from the copyright owner under certain circumstances. The copyright statute provides a framework for deciding whether a particular use is a "fair use." The "fair use" analysis, whether in the paper or electronic environment, includes the following factors:
  - the purpose and character of the use;
  - the nature of the copyrighted work;
  - the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
  - the effect of the use upon the potential market for or value of the copyrighted work.
- Permission may be required for the use of copyrighted material as electronic course content even when such material is:
  - available elsewhere on the internet;
  - being used in a course for the first time; or

- characterized for purposes of course use as optional, supplemental, or ancillary reading material, rather than as required, assigned, or recommended reading material.
- No one should post course content consisting of copyrighted works or portions of such works in electronic form without first either:
  - obtaining the permission of the copyright owner or
  - concluding after reasonable inquiry, with the benefit of resources made available by the university for these purposes, that the use qualifies as a fair use or other exempt or licensed use for which permission is not required.
- To the extent technologically feasible, instructors should use passwords, ID numbers, or other appropriate means to limit access to copyrighted electronic course content to students enrolled in the course or other individuals requiring access to the course materials for purposes of conducting the course. The availability of such content to students should terminate when the students have completed the course. CIT provides support for implementing these features in Blackboard.
- It is preferable to link to materials already legally available at another site rather than scanning or making a digital copy.
- Copies of copyrighted works, regardless of their format, should include proper attribution and copyright notices.
- Instructors should not direct or encourage students to print unauthorized copies of course content. Students seeking information about how to make or acquire personal copies for purposes of private study, scholarship, or research should be directed to consult available resources. The University makes information on copyright available at <http://www.copyright.cornell.edu>.
- **Questions regarding these Guidelines may be directed to Pat McClary in the Office of University Counsel ([pam4@cornell.edu](mailto:pam4@cornell.edu)) (5-5126).**



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MEMORANDUM

September 6, 2006

**To:** Academic Deans  
**From:** Biddy Martin, Provost   
**Subject:** Association of American Publishers – Copyright Infringement

In April, I wrote to you about concerns that had been raised by the Association of American Publishers (AAP) regarding what it perceived to be widespread copyright infringement at Cornell in connection with the provision of electronic course reading materials to students through electronic reserve reading and course web pages.

Since that time, the University has sought to resolve this matter in a manner that protects the faculty's legitimate interests while averting the threat of litigation. As a new semester begins, we have the enclosed set of Guidelines, developed with the assistance of a faculty committee and the Office of University Counsel, to share with you. These guidelines, which have been accepted by AAP, apply to the scanning and electronic distribution of copyrighted course reading materials.

Respect for the intellectual property of others is a cornerstone of academic integrity. It is critically important that these guidelines be followed. I am therefore asking that you disseminate these guidelines within your units in a manner that ensures that they reach all faculty members.

If you have questions, please contact Patricia McClary in the Office of University Counsel (5-5126, pam4@cornell.edu)

Enclosure

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