



Policy 01:012 – Copyright Compliance

Copyright protects intellectual property, including e-mail, Web information and computer software. The University expects faculty, staff and students to be aware of how intellectual property laws, regulations, and policies apply to the property of others. Without the copyright owner's permission, users are typically prohibited from uploading and downloading copyrighted material, making or distributing copies electronically or on paper, preparing derivative works (i.e., adaptations), performing the work, or displaying the work publicly.

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It is the intent of the University of Montevallo to comply fully with all applicable copyright laws, including but not limited to the Copyright Act (17 U.S.C. §101, *et seq.*), the Federal Digital Millennium Copyright Act of 1998 ("DMCA"), and the Higher Education Opportunity Act.

All University faculty, staff, and students are prohibited from copying, downloading, storing, displaying, or distributing copyrighted works unless the action is authorized by (a) specific exemptions set forth by law, (b) fair use principles and guidelines, or (c) licenses or written permission from the copyright owner.

University faculty, staff, and students are prohibited from performing copyrighted works unless the performance is authorized by (a) 17 U.S.C. §110, (b) performance licenses, (c) purchase order authorization, or (d) written permission from the copyright owner or the owner's agent.

The President shall appoint a Copyright Officer who shall (a) implement this copyright policy by establishing and maintaining associated procedures and practices, (b) develop and maintain tools and resources for faculty, staff, and students to assist in understanding the provisions of the copyright law and fair use guidelines, (c) inform and educate students, faculty, and staff about copyright law and fair use guidelines, (d) answer questions about the copyright law and fair use guidelines, (e) maintain appropriate records of permissions, agreements, and licenses, (f) place appropriate copyright warning notices on or near copying equipment, and (g) serve as the University's designated agent to receive notices of alleged copyright infringement by any user to whom the University provides internet services and to send statutory notices to affected subscribers.

A failure to adhere to applicable copyright laws and the University's copyright policy by faculty, staff, and students may result in the imposition of civil and criminal penalties, as well as appropriate disciplinary action by the University. Faculty, staff, and students who use the University's computer systems and networks to violate copyright laws risk the loss of access to those facilities.

Permission to use any University of Montevallo copyrighted materials or trademarks for commercial purposes or for unofficial University purposes must be approved in writing by the Director of Public Relations.

Software License Agreements

Each software package includes a license agreement that details restrictions on the use of the software. Software users must follow the provisions in these license agreements regarding copying, improvements, number of concurrent users, and similar provisions, even though the University may not have signed the license agreements and does not agree to be bound by certain other provisions of the agreements. It is the user's responsibility to read and understand the license agreement for each software package.

Because of the unique nature of computer software, however, the federal copyright law recognizes two limited exceptions to the usual prohibitions against copying or altering copyrighted work. If the copy or adaptation does not meet one of the following two exceptions, it is a violation of federal law. The licensee or purchaser of software may:

1. Make **one** backup copy for use in the event that the original media is damaged or destroyed beyond use. Such copies are not to be used simultaneously on another machine. The backup copy must be destroyed if the license for the underlying computer program is discontinued.
2. Make a copy or adaptation if the new copy or adaptation is an essential step in utilizing the program on the licensee's or purchaser's computer. Any additional copy or adaptation must be an essential step in utilizing the program, and not merely for convenience.

In order to comply with federal law, the University and individual users must follow the restrictions listed below for software purchased by the University:

1. Software may not be copied for use on more computers than allowed by the license agreement. User's manuals may not be copied.
2. A software package may be installed on the hard drive of a single computer if the installation is permitted under the software's license agreement. Installation on the hard drive may not be used to "network," and thereby use the program on more than one computer, unless the software is licensed for that purpose.
3. Backup media may not be used to run a software package unless the original media is destroyed.
4. If a user purchases software as an upgrade, the user may not continue to use the earlier version or distribute it to other users.

5. The number of concurrent users of a software package on a local area network (LAN) may not exceed the number allowed by the software license agreement.

In addition to the above restrictions, copied software or software for which no license exists, and software which is not provided in accordance with copyright law or conditions of sale may not be installed or used on University-owned computers.

Questions about computer software use not addressed by this policy or questions about specific license agreements should be directed to the Office of Technology Services. Detailed procedures and guidelines to manage software and license agreements are maintained by Technology Services, which is responsible for evaluating their effectiveness.

University Computers and Network Systems are subject to monitoring and inspection pursuant to law by copyright owners and designated representatives in order to identify copyright infringement and enforcement.

Approved 5/99

Last Revised 8/10