BERKELEY COLLEGE COPYRIGHT POLICY

Original “works of expression,” such as writings, graphics, photographs, and music, may be protected from unauthorized use by the federal copyright laws. The symbol © is often used to indicate that the material is subject to copyright restrictions, but not all copyrighted content will display the symbol. Copyright laws govern whether – and to what extent – you are permitted to perform, display, or copy such works or to create new works derived from them without first receiving permission from the holder of the copyright (often the author or publisher of the original).

The copyright laws are complex, particularly as they apply to digital media. For example, under some circumstances downloading information from websites, downloading music from a peer-to-peer application, or even mere copying and pasting of copyrighted materials (such as an article, photo, sound or video clip from the web) may constitute infringement. In fact, websites may even have materials copyrighted by one owner embedded within materials that have been copyrighted by a different person (such as music within a video excerpt, or a photo on a web page). Moreover, just because content is publicly available does not mean that you are free to use it without permission. Much of the information you may find posted on popular social media sites has been posted without the consent of the copyright holder, and using it could constitute infringement.

Certain limited copying of published materials without permission may be allowed under the “Fair Use” doctrine. Whether portions of a copyrighted work may be copied without permission is determined by evaluating four factors: the purpose for which it is being used (for example, is the use for educational or commercial purposes?); the nature of the work being copied (is it factual or creative?); the size of the excerpt being used (most of the work or only a small portion?); and the effect it would have on the market value of the original work if such copying were widespread. So, for example, it may be permissible to copy a quote or short excerpt from a copyrighted work (acknowledging the author), but copying an entire photograph or song may constitute unlawful infringement.

Berkeley students are required to comply with the copyright laws. Failure to do so may be grounds for disciplinary action and may subject the infringer to substantial monetary and other penalties. For more information, please contact the College Library or the Office of Institutional Compliance.

Use, display, performance, transmission, or copying of any content to which Berkeley College holds a copyright without express written permission is strictly prohibited.