

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Copyright Q and A for General Use

1. I scanned in copies of five illustrations from the required class text book for use in my project PowerPoint slides that I will present in class and post on the Blackboard class website so that my classmates can follow along or use for reference when studying for the test. **Q:** Is it legal to change format from a printed text book to a digital presentation (a scanned-in table from a text book) in PowerPoint?

A: Yes, but only for one use or academic year. After the first year you must obtain permission from the publisher to continue to use these digital illustrations.

2. I found an issue of a journal that has a symposium that includes 8 papers on exactly the same subject that I have to report on in my class next week. I want to scan in the entire issue as PDF files and put them on the class Blackboard website so that my fellow students can have access to these materials. Only current members of the class of 2009 will have access to these materials through password control of the web site. **Q:** Is it legal to copy (on paper or digitally) an entire issue or a part of an issue of a scientific journal or magazine for class use?

A: No. No more than one chapter or less than 1/10th of the publication can be copied or digitally reproduced. However, you can add a link to the journal on the library e-journal web page ([click here](#)) and each student can directly obtain a copy from there. This is legal because the medical center library has paid for a site license for students, faculty and staff to access these sources. It is legal for each person to obtain a copy for their personal use.

3. My required text book is late arriving in the bookstore. I want to copy or scan-in the first chapter from one of last year's student's book and read it before the first class meeting. **Q:** Is it legal to copy or scan the first chapter of the required text book and put it on my laptop and share it with other students in my class (by email or website)?

A: Yes and No. Yes, you may scan and download the chapter to your laptop but only for this course, this year. No, you CANNOT distribute the chapter to your classmates via email nor "publish or post" it on the class Web site. The copyright law allows each student to do the same thing you did individually for their own private purposes for this one chapter, one time.

4. I found a lot of great pictures for my class presentation using the Google Image Search but on their web site it states that images found on the web [including this HOT one: http://umbra.nascom.nasa.gov/eit/images/eclipse/williams/eit_20010621_1238_304.jpg] could be subject to copyright. I thought that an image posted on a public access website is considered in the public domain and I can use it any way I want. **Q: (a)** Is it legal to use an image (from the internet or anywhere) more than once without obtaining permission? **(b)** What if it does not say on the website that the item is copyrighted? **(c)** Is everything copyrighted?

A (a & b): No. The same rules apply to images taken from anywhere (internet included), after a one time use, you must obtain written permission for reuse. (c): Yes. Everything has an implied copyright even if it is not written on the material or the website. You must not reuse or distribute copyrighted materials as it is against the law.

5. I have a course packet that I wish to have 100 copies made to hand out at a conference my supervisor is conducting. The packet contains 100 sheets, of which, 20 pages are from a book that is protected by copyright law. I have removed all copyright logos etc. so no one will ever know. My supervisor stated he wanted them today. I guess I'll have to print them so I won't get into trouble with my supervisor, right? **Q:** If I remove all mention of copyright from the originals can I make copies without permission?

A: No. This is copyright infringement and the person who does the reproductions of such materials is legally liable. Just because your supervisor asked you to make the copies, you, the employee, will be the one breaking the law. Also, as an employee of UMC you place liability on the Medical Center as well. No one of higher authority has the right to mandate that you break copyright protocol, nor should you. You must make yourself aware of copyright rules and regulations to protect yourself and the institution.

6. I want to use a digital copy of my grandparents wedding photo (taken in 1947 by Olin Mills Studios) in my class geriatrics project. Olin Mills and my grandparents are long gone and there is no one left to ask. **Q:** Is a professionally produced photo from a now closed studio in the public domain?

A: The photo is a work product of Olin Mills Studios which retains copyright authority although this is an orphan work it could be made legally available if the law is changed. You cannot legally use this photo currently.

7. The print shop I am using to produce a seminar handout refuses to print numerous pages in my document due to the fact that they were taken out of other books that are copyrighted. **Q:** Why can't I make copies of copyrighted materials for my handout?

A: The print shop would be the producing agent of illegal material in the handout and can be held legally liable for doing so. Not only is the print shop liable, but you have placed yourself, your department and the Medical Center at risk for litigation.

8. How is anyone going to know I'm using their material if I change the wording around a little? **Q:** If no one can tell where I got it from, it should be legal. Right?

A: No. Artists, illustrators, and writers know their work. It's amazing how quickly you can be discovered. The copyright holder usually owns many works and is constantly viewing other similar works for infringement. If in doubt, leave it out.

9. The text book is late and I want to copy the first six chapters (out of a total of 60 chapters) to read while I await delivery of the textbooks at the bookstore. I also want to share these copies with my friends in the class. **Q:** Is it legal to copy more than one chapter of a text book for my personal use?

A: No. In this case, you would be copying more than 10% of the book and this would be illegal according to the TEACH and copyright acts since it would be considered defeating the possibility of sales of the text book by the publisher.

10. I want to post the slides that I made for my class project on the Blackboard internet server for my fellow students to look at while I give my presentation in class. The access to these slides is controlled by password and only class of 2009 members will be allowed.

Q: (a) Is it legal to post my PowerPoint slides on the internet server for other students to use? **(b)** What is to prevent the students from sending my slides via email or other means? Wouldn't that be stealing my work?

A (a): Yes. You can post the slides on the internet for your fellow students since you hold the copyright (you made them all yourself). However, if your slides contain any material that you do not hold the copyright for, you may only use them one time before obtaining written permission for that material. (b): Nothing currently possible can prevent others from emailing your copyrighted slide materials all over the world other than the fact that it is specifically against federal law (the TEACH act) for students to share class materials with those who are not currently registered for your class or to retain class materials (i.e. slides) beyond the enrollment period. This prohibition applies to slides and other class materials posted on a course web site by faculty as well as students in a course. A statement should be posted on your class website reminding your fellow students of this fact.

11. I have requested permission from the publisher to reproduce a brochure that has everything I need for my program. Our use of this information is to be started next week. I requested permission over a week ago and I'm certain they will not say no. It will be OK for me to use the brochure since I'm certain that approval is forthcoming. **Q:** Can I start copying without written permission?

A: No. This is absolutely and positively copyright infringement. You must request copyright permission and have paid the royalty fee or received written permission prior to using the material. Failure to do so puts everyone at risk. Copyright permission takes time. Plan ahead so permission can be obtained ahead of schedule.

12. I found a booklet written in 1935 that I wanted to use in my class project. I was unable to find the publisher to obtain permission as both the publisher and the author are long out of business. I would like to use this in my report since I tried and failed to get permission - the agent was no longer available. **Q:** Is it legal to use a copyrighted item if the publisher and author are no longer in business or live in another country or left no forwarding address or what ever?

A: No. This is called an "orphan work" and currently it is still illegal to use an orphan work unless the heirs of the author/publisher can be found and agree in writing to release it into the public domain. Only books published prior to 1923 are in the public domain and are no longer protected by copyright. A law being considered by congress may reverse this ruling.

13. My professor put a digital copy of a paper (that he had written permission from the publisher to use) on Blackboard for the students to read. Although this paper is just one

side of a legal argument we are discussing in class this week, one of the students sent the paper (via email) to his Momma in Rosedale, LA. The professor says that he now has the student's parents and relatives emailing him in protest. **Q:** Is it legal for a student to share class materials with others who are not currently enrolled in the class?

A: No. It is illegal for a student to provide class materials (provided under password protection) to anyone who is not a currently enrolled student of that class.

14. I have stored on my hard drive a lot of materials from classes that I have taken. This data is backed up on CDs and DVDs. I am afraid that I may damage the discs. What can I do? **Q:** May I make a legal backup copy of CDs, DVDs or computer files?

A: Yes and No. CDs and computer files can be legally backed up to CDs or DVDs by using a CD/DVD/RW drive on your computer. You may legally retain backup copies of your personal files if you do not share them with others. However, commercially prepared CDs and DVDs are copy protected so that your computer software will not duplicate them.

15. The printer has called and requested the original letter from the publisher giving the department copyright permission for items I included in my printing order. I've been told by the printer that 36 pages of my document are copyrighted. I removed all the copyright symbols, so how did they know? **Q:** How can anyone tell if I am using copyrighted material?

A: Copyrighted material is very easy to detect due to many indicators. Legitimate and honest printers are always looking for copyright infringement. If a printer is doubtful, they will not print your request. However, shopping around for a printer who is willing to break the law isn't a legal way around the law, nor is it ethical or very smart. You will still place yourself and the institution at legal risk.

16. I took some great classes while attending UMC and have saved the class materials. I have graduated and am now teaching some of the same subjects. I would like to use the materials given to me when I took a course to share with my current students? **Q:** Can I re-use the class materials from classes that I have taken in the past?

A: Yes and no. You can re-use only those materials for which you are the copyright holder. If you do not personally retain the copyright permission, you must write to the copyright holder and obtain written permission before you can legally use the material a second time.

17. I know the printer will not print my syllabus because it contains copyrighted material. But, I really don't care. I have a copier in my office and I'll just reproduce the 100 copies I need. **Q:** If I use my own copier, there is no way for anyone to know I am doing anything illegal. Right?

A: No. This is a temporary solution to a long term problem. By producing copyrighted materials on your office copier, you are breaking the law. You, personally, can be held liable for any fines or punishment. Not only do you knowingly put yourself at personal risk, you also place your department and institution at legal risk.