

Central Virginia Community College Policies
VI – Academic Services Assisting Instruction
Copyright Law



Policy #:	CVCC0145
Effective:	__/__/__
Last Reviewed/Revised:	08/30/2022
Responsible Dept.:	Library Services
Other Policy References:	NA

Copyright Law

United States copyright law protects certain creative works from the moment they are produced in tangible form; creators are not required to formally register their works with the U.S. Copyright Office to be protected. Printed materials, such as books, journals, and printed music, are protected, as well as sound recordings, films, videocassettes, art works, computer software, choreography, architecture, and text and photographs displayed on web sites.

The Copyright Act of 1976 grants copyright owners exclusive rights to reproduce, distribute, adapt, perform, and display their works. Reproduction, distribution, and display are easy to understand. The right to adapt a work means the right to make derivative works, such as translations, instructor's manuals, or new arrangements of musical compositions. The right to perform a work includes reading aloud, reciting, presenting a play, and dancing a work.

Legislators have defined some exceptions to copyright owners' exclusive rights under the "fair use" doctrine described below. Such exceptions aside, anyone publishing, reproducing, performing, adapting, or displaying all or part of a copyrighted work must obtain permission from the copyright owner; otherwise, such use infringes the copyright.

The Digital Millennium Copyright Act of 1998 (DMCA) attempts to define copyright in the online world, but severely restricts educators' digital fair use privileges. When the law was passed, Congress asked the Copyright Office to conduct a study and write a report on distance education in the digital age. The report, which recommended allowing educators to extend fair use principles to digital media, was published in spring of 1999. Congress decided to watch developments for a few years before considering amendments to the law.

Virginia signed UCITA, the Uniform Computer Information Transactions Act, into law in the summer of 2001. UCITA, sometimes called the shrink-wrap law, is contract law designed to standardize the law regarding the licensing of software and all other forms of digital information. The law is not friendly to educators or other consumers because it makes many contracts non-negotiable.

The Technology, Education, and Copyright Harmonization (TEACH) Act of 2002 expanded educators' rights to transmit copyrighted works in digital distance education so long as strict conditions are met, but fair use rules under TEACH are more stringent than in the familiar face-to-face teaching guidelines.