

TYPE: LEARNING

POLICY TITLE: Copyright Policy

Compliance with Federal Law

Northeast Wisconsin Technical College will follow the United States Copyright Law of 1976, as amended, (Title 17, *United States Code*, the "[Copyright Act](#)"). Accordingly, all faculty, staff, and students of the College should follow these policy guidelines.

What is Copyrighted?

This policy applies only to copyrighted materials. Because a copyright notice is no longer required for copyright protection, most modern works in physical or online media should be presumed to be protected (unless created by the United States Government or expressly stated by the copyright holder to be in the public domain). Copyright holders may also apply Creative Commons licenses which specify how their works can be used by others with proper attribution.

The [Copyright Office Circular 22](#) explains how to determine the copyright status of a work. Uncopyrighted materials may be copied and shared freely.

What are Copyright Holders' Exclusive Rights?

By law, Copyright holders are the only ones allowed to do the following with their works unless they give permission or assign a Creative Common license dictating that others can do so with proper attribution:

- Make a copy (reproduce the work) physically or digitally
- Use the work as the basis for a new, derivative work
- Electronically distribute or publish copies
- Publicly perform creative works or play a video
- Publicly display an image

Fair Use

NWTC employees may copy and distribute copyrighted materials without permission from the copyright holder if the practice constitutes "fair use" under the Copyright Act. The [Copyright Office Circular 21](#) provides basic information and guidelines about educational exceptions from copyright law. See [NWTC's Guidelines and Four-Factor Fair Use Test](#) and [Common Copyright Scenarios at NWTC](#).

Seeking Permission

NWTC employees need to obtain permission from the copyright owner, when (a) the materials are copyrighted, (b) the proposed use exceeds what is permitted by any licenses, and (c) an analysis of the four-factor fair use test does not indicate that this is likely a fair use.

Defense of Employees

Employees who violate this policy will be personally responsible for their own defense. If permitted by the Wisconsin Constitution and statutes, Northeast Wisconsin Technical College will defend an employee against a charge that their use of another's works is an infringement if the employee followed this policy and received permission or abided by the terms of licensing agreements.

August 2002

Revised March 2007

October 2010

December 2015

Revised & Approved January 27, 2020