



Student Use of Copyrighted Materials & Use of Seattle University Trademarks

The U.S. Constitution and federal copyright laws protect original works of authorship that have been fixed in a tangible medium. Copyrightable works include literary works (e.g., books, poems, and essays), architectural works, musical works, dramatic works (e.g., plays, dance, and comedy routines) games, movies, videos, photographs, and all kinds of digital works (e.g., computer programs, web pages and Java applets). Copyright protection is automatic from the moment the work is created. A copyright gives the owner of the copyright exclusive rights to:

- Reproduce the copyrighted work
- Prepare derivative works from the copyrighted work
- Distribute copies of the copyrighted work to the public for sale, rental, or loan
- Perform the copyrighted work publicly
- Display the copyrighted work publicly

With certain limitations, it is illegal for anyone to infringe on any of the exclusive rights of the owner of the copyright. Here are common examples of ways in which students can infringe on copyrighted works:

- Copying a music file from a friend
- Downloading an unauthorized commercial motion picture video from the Internet
- Re-posting copyrighted photographs downloaded from the Internet
- Making copies of a required course pack for one or more classmates (with or without getting paid for the copies)

Ownership and Use of Seattle University Trademarks

Seattle University Trademarks and service marks, and other names, seals, logos, and symbols that are representative of Seattle University, may be used only with written approval of Seattle University. The university graphic identity is copyrighted and may not be used on publications or products originating outside of Seattle University without express written permissions of the Assistant Vice President of Marketing and Communications, at (206) 296-6109.

Custom items imprinted with the university's trademarks (e.g., t-shirts, ink pens, and coffee mugs) are available for purchase exclusively through the University Bookstore to ensure proper treatment of the University's trademarks and to protect against the sourcing of products manufactured in sweatshops. The University Bookstore has approved vendor lists, price lists and samples from which to choose. Please contact the University Bookstore for more information at (206) 296-5822.



Copyright

Copyright laws protect original works of authorship and give copyright holders the exclusive right to: (a) copy; (b) distribute; (c) publish; (d) prepare derivatives or revisions of; (e) perform; or (f) display works in public.

Each student is responsible for complying with applicable copyright laws and with the University's Copyright Policy and Guidelines. Violation of copyright laws may result in civil or criminal liability, and violation of the University's Copyright Policy may result in disciplinary action, including dismissal. To review the University's Copyright Policy and Guidelines, and to [view general copyright information, please see https://www.seattleu.edu/policies-regulations/copyright-policy/](https://www.seattleu.edu/policies-regulations/copyright-policy/).

Millennium Copyright Act

In 1998 Congress passed the Digital Millennium Copyright Act ("DMCA") in an attempt to address the use of copyrighted materials through the Internet. The DMCA enhances the range of activities that constitute prohibited copying, distribution, public display, or public performance of copyrighted materials over the Internet without the permission of the copyright holder. The fair use doctrine (described below) and certain statutory exceptions provide a defense to an infringement claim under the DMCA, and students are urged to become familiar with the Act and Seattle University's DMCA Policy, which can be found at <https://www.seattleu.edu/policies-regulations/copyright-policy/digital-millennium-copyright-act-dmca/>.

The DMCA tries to balance the interests of internet service providers (ISPs) and copyright owners when copyright infringement occurs in the digital environment. Seattle University is an ISP under the DMCA. The law protects an ISP from liability for copyright infringement by its users, if the ISP takes certain steps when it receives notice that infringing material resides on its network. The DMCA provides a complete defense to the ISP but only procedural protections to users of its system who infringe copyright.

Fair Use

"Fair use" is the term used to describe a good faith defense to a claim of copyright infringement. The fair use defense is codified in Section 107 of the federal Copyright Law (17 USC §101). Although the fair use doctrine is well established in copyright law, application of the defense to a specific situation often requires careful analysis.

Fair use covers the use of copyrighted works for purposes such as criticism, comment, news reporting, teaching, scholarship and research. In determining whether the use made of a work is fair use, the law requires consideration of the following four factors:



- The purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes;
- The nature of the copyrighted work [the more creative the work, the greater the protection];
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- The effect of the use on the potential market for or value of the copyrighted work.

Helpful Resources on Copyright Law

There are many helpful resources students can turn to for guidance with copyright questions. Here is a partial list of websites with excellent information targeted to the educational community:

- DMCA Information – Harvard University:
<http://dmca.harvard.edu/faq>
- Copyright Basics – Purdue University:
<https://lib.purdue.edu/uco/overview/>