

# MAINE COMMUNITY COLLEGE SYSTEM

## GENERAL ADMINISTRATION Section 207

**SUBJECT: COMPLYING WITH COPYRIGHT LAWS**

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**PURPOSE: To promote copyright compliance within the Maine Community College System**

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### **A. Introduction**

The Board of Trustees declares that the policy of the Maine Community College System is to adhere to applicable provisions of copyright law. Although there is uncertainty in both the interpretation of existing law and the application of developing technology, this policy represents the System's efforts to promote legal compliance.

In many cases, copying facilitates the System's mission to develop and transmit information. The copying of copyrighted materials, however, is a right granted under the copyright law doctrine of "fair use" which cannot be abused. The System encourages employees, faculty, staff and students to exercise good judgment in conscientiously attempting to comply with copyright law, and does not condone policies or practices, including music and/or video downloads, that constitute an infringement of copyright law.

This policy, like copyright law, applies to all forms of copying, whether undertaken by downloading or other electronic means, and/or at a college copying facility, a commercial copying center or self-service machine.

### **B. Procedure**

It is the policy of the System that faculty, staff and students exercise sound judgment in determining what constitutes permissible copying under the law; secure applicable permission whenever it is legally necessary; and that each person be individually responsible for these determinations. To that end, MCCS expects faculty, staff and students to be familiar with their responsibilities under copyright law. To aid in that understanding, MCCS shall adopt a procedure that provides guidance regarding common issues arising under copyright law.

### **C. Prohibitions and Penalties**

MCCS prohibits use of its computer systems and internet networks to copy, store, display or distribute copyrighted material in any medium, or to prepare derivative works of such material, without the express permission of the copyright owner, except as otherwise allowed under copyright law. Persons who distribute without proper authorization copyrighted material violate this policy and be subject to discipline and, under law, to civil and criminal liabilities. These penalties include injunctions, impoundment and disposal of infringing articles, civil damages, fines and other costs.

## **D. Peer-to-Peer File Sharing**

Internet peer-to-peer file-sharing programs have made it easy to download and share music, movies and software files without the permission of the copyright holder as required by law. Accordingly, users who engage in the copying, downloading and sharing of files through peer-to-peer file sharing programs may violate the law and this policy.

## **E. Digital Millennium Copyright Act Compliance**

The Digital Millennium Copyright Act (DMCA) provides increased protection for copyright holders of sound and video recordings. MCCS complies with this law as follows:

### **1. Designated Agent**

The designated agent to receive notification of claimed infringement under Title II of the DMCA for a college or other component of the MCCS is the MCCS General Counsel (hereinafter “Designated Agent” or “Agent”), 3 Adams Street, South Portland, Maine, 04106; email [dmcaagent@mccs.me.edu](mailto:dmcaagent@mccs.me.edu); telephone 207-767-0116; and facsimile 207-767-0137.

### **2. Claims**

All DMCA infringement claims against a component part of the MCCS must be in writing and must include the following:

- a. A physical or electronic signature of the copyright holder or a person authorized to act on the holder’s behalf;
- b. A description of the copyrighted work claimed to have been infringed or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
- c. A description of the material that is claimed to be infringing or to be the subject of infringing activity, and information reasonably sufficient to permit the MCCS to locate the material;
- d. Information reasonably sufficient to permit the MCCS to contact the complainant, such as an address, telephone number and, if available, an email address;
- e. A statement that the complainant has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent or the law; and
- f. A statement that the information in the notification is accurate and, under penalty of perjury, that the complainant is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

### **3. Policy on Removing and Restoring Materials and Activities**

MCCS shall enforce the DMCA as follows:

- a. The MCCS Designated Agent shall receive all claims of infringement that contain the information required by law, including the location of the infringement materials.
- b. The Agent shall promptly acknowledge receipt of each infringement claim. If the claim fails to substantially comply in supplying information, the Agent shall promptly attempt to contact the person making the notification or take other reasonable steps to assist in the receipt of notification that substantially complies.
- c. The Agent shall coordinate activities, keep records required to track repeat offenses, and assure proper adjudication of all incidents. The Agent and those acting for and in conjunction with, the Agent shall:
  1. Protect the rights of intellectual property owners as defined by law, MCCS policy, and accepted standards of academic behavior;
  2. Protect the rights and due process of those accused of infringement, particularly if fair use protections apply;
  3. Generally support the authorized instruction, research, and service missions of the MCCS; and
  4. Consult as necessary with the MCCS chief information officer.
- d. Upon receipt of a complete and verified claim of infringement, the Agent shall direct the prompt removal of the infringing material, prompt cessation of the infringing activity, or prompt removal of access to the local or wide-area networks containing such material or activity. The Agent shall seek to minimize the disruptive effect that such steps will have on essential MCCS activities, and shall restore proper activities consistent with the DMCA's Put Back procedures.
- e. The Agent or the Agent's delegate will attempt to promptly notify the subscriber/user of any steps taken pursuant to *section E.3.d* above. This notice will specify information required to make a counterclaim, and other information explaining applicable due process rights.

### **4. Repeat Offenders**

MCCS may terminate access and impose disciplinary and/or other correctional measures for any copyright infringement claim, especially for repeated offenders or flagrant misuses of the MCCS computer equipment, networks or services.

## **5. Records**

The Designated Agent will retain the record for three years from the date of receiving any DMCA complaint.

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REFERENCES: 17 U.S.C. §101, et seq.; MCCA Copyright Guidance Document

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: June 23, 2010