

BERKELEY COLLEGE COPYRIGHT POLICY

Original "works of expression," such as writings, graphics, photographs, and music, may be protected from unauthorized use by the federal copyright laws. The symbol © is often used to indicate that the material is subject to copyright restrictions. Copyright laws govern whether -- and to what extent -- you are permitted to copy such works or to create new works derived from them without first receiving permission from the holder of the copyright (often the author or publisher of the original). The copyright laws are complex, particularly as they apply to digital media (under some circumstances downloading information from websites, downloading music from a peer-to-peer application, or even mere cutting and pasting copyrighted materials may constitute infringement, and websites may have materials copyrighted by one owner embedded within materials that have been copyrighted by a different person).

Certain limited copying of published materials without permission may be allowed under the "Fair Use" doctrine. Whether portions of a copyrighted work may be copied without permission is determined by evaluating 4 factors: the purpose for which it is being used (for example, is the use for educational or commercial purposes?); the nature of the work being copied (is it factual or creative?); the size of the excerpt being used (most of the work or only a small portion?); and the effect it would have on the market value of the original work if such copying were widespread. So, for example, it may be permissible to copy a quote or short excerpt from a copyrighted work (acknowledging the author), but copying an entire song may constitute unlawful infringement.

Berkeley students are required to comply with the copyright laws. Failure to do so may be grounds for disciplinary action and may subject the infringer to large penalties. Civil damages for copyright infringement may be as high as \$150,000, plus attorneys' fees, for each infringing copy. Depending on the type of infringing material, the way it is used, and how much it is considered to be worth, under certain circumstances copyright infringement may also be considered a serious crime punishable by several years in prison and a \$250,000 fine.