Copyright Policy*

Clark University expects all members of its community to respect the rights of intellectual property ownership by adhering to the United States copyright laws, including amendments made to the laws by the Digital Millennium Copyright Act (DMCA) and the Technology, Education, and Copyright Harmonization (TEACH) Act. Clark University also expects all members of the community to be mindful of the limited rights conferred on them by the “fair use” exemption and other exclusions to the copyright laws.

Works that are subject to copyright protection should only be used with the expressed written permission of the copyright owner or with a documented exception to the copyright law (U.S. Code Title 17 on copyright). While the fair use provision (section 107) is probably the most widely used exception to seeking permission for uses of copyrighted works, especially in the university environment, there are other provisions in the copyright law which outline performance or display exceptions for ”face-to-face” classroom settings and distance education (section 110). There are also specific rules for music (section 107, section 112, section 114, and section 115) and works of visual art (section 113). Reliance on this exception should be limited to those cases that clearly meet the fair use balancing test and/or compliance criteria associated with the TEACH Act. Faculty, students, and other authorized staff should be familiar with these standards and all are encouraged to document a good faith application of these standards to all Clark-related uses.

Not all educational uses are covered by the fair use provision.