COPYRIGHT @ MIT

The primary objective of copyright is not to reward the labor of authors, but "to promote the Progress of Science and useful Arts." To this end, copyright assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work … This result is neither unfair nor unfortunate. It is the means by which copyright advances the progress of science and art.

– Supreme Court Justice Sandra Day O'Connor in *Feist Publications, Inc. v. Rural Telephone Service Co.*, 499 U.S. 340, 349 (1991)

Introduction and Summary of Copyright Law

The law of copyright affects nearly everyone in the MIT Community. Whether you're a student who wants to use copyrighted materials in a research paper or thesis or a faculty member who wants to retain rights in a scholarly publication, or you're just concerned about sharing digital media over the Internet, it is helpful in today's age to have a basic understanding of the copyright laws.

Copyright is a form of intellectual property right authorized by the United States Constitution and granted by law to an author of original works of authorship fixed in a tangible medium of expression. Copyright law in the United States is governed by the United States Copyright Act, codified at 17 U.S.C. § 101, *et seq*.

Under the Copyright Act, protectable "works of authorship" include not only literary works, but also a broad range of other categories of works, such as dramatic, music, and artistic works; movies; songs; computer software; and architecture. Copyright does not protect ideas, facts, systems, or methods of operations; it may, however, protect their expression in an author's original work.

Copyright protection exists from the moment a qualified work is created in a tangible form which can be perceived directly or with the aid of a machine or device. No registration is required in order to obtain copyright protection, although in some cases it may be advisable.

Under the Copyright Act, ownership of the copyright in a work vests initially in the author(s) of the work. The term "author" may include an employer or, in the case of a "work made for hire," another person for whom a work is specifically prepared. The author of a work can also transfer copyright ownership in accordance with the requirements of the Copyright Act.

As a supplement to the ownership rules embodied in the Copyright Act, the MIT Intellectual Property Policy, which can found at http://web.mit.edu/policies/13.1.html, sets forth when MIT will be the author and/or owner of the copyright in a work that is created at MIT. As a member of the MIT Community, it is important to consider this Policy along with the law of copyright when addressing ownership of the copyright in a work that you have created while at MIT.

The owner of a copyright in a work has the exclusive rights to do, and authorize others to do, the following: reproduce the work, prepare "derivative works" that are based on the work, distribute the work to others (*e.g.*, by sale or license), and

publicly perform and display the work. It is important to remember that simply owning a copy of a work—for example a book or a compact disc—does not transfer ownership of the copyright in that work, nor does it convey any of the exclusive rights enjoyed by the copyright owner.

The materials on this site, while not intended to be a comprehensive statement of the law, provide a useful resource to help answer some common copyright questions that arise at MIT.

The Rules of Copyright Protection

1. What Is a Copyrighted Work?

As set forth in § 102 of the Copyright Act, copyright protection subsists in a work of authorship fixed in any tangible medium of expression, now known or later developed, from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

- literary works;
- musical works, including any accompanying words;
- dramatic works, including any accompanying music;
- pantomimes and choreographic works;
- pictorial, graphic, and sculptural works;
- motion pictures and other audiovisual works;
- sound recordings; and
- architectural works.

Copyright also extends to compilations of copyrighted works and newly-created works that are based upon one or more pre-existing works ("derivative works"), but the copyright in a compilation or derivative work is limited to the new material contributed by the author of such compilation or derivative work, as opposed to the copyright in the pre-existing works.

2. What Is Not Subject to Copyright Protection?

The following are not subject to copyright protection:

- ideas or concepts;
- procedures and methods of operations;
- processes and systems;
- principles or discoveries;

- works not fixed in a tangible form;
- titles, names, short phrases, and slogans (under some circumstances, these *may* be protected by trademark law);
- lists showing no originality;
- factual information;
- works in the public domain; and
- original U.S. Government works (although the U.S. Government *can* own the copyright in works that have been transferred to it by assignment, bequest, or otherwise).

3. What Rights Does a Copyright Owner Enjoy?

Section 106 of the Copyright Act sets forth the exclusive rights enjoyed by the owner of a copyright. These include the right to:

- reproduce the copyrighted work in copies or "phonorecords" (objects in which sound recordings, other than those accompanying a motion picture or audiovisual work, are fixed and from which the sounds can be perceived, reproduced, or otherwise communicated);
- prepare derivative works based upon the copyrighted work;
- distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
- in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
- in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

The author of a work of visual art also has the right to attribution and integrity described in § 106A of the Copyright Act.

4. Who Owns a Copyright?

Under the Copyright Act, ownership of a copyrighted work vests initially in the author or authors of the work. The authors of a joint work are co-owners of the copyright in the work.

Ownership of the *copyright* in a work is distinct from ownership of any material object in which the copyrighted work is embodied (*e.g.*, a book or compact disc), and

transfer of ownership of the material object does not necessarily (and often does not) affect the ownership of the underlying copyright. So, for example, although you may own a copy of a compact disc containing a selection of songs, you likely do not own the *copyright* in those songs, and therefore cannot take advantage of the exclusive rights of a copyright owner.

If a copyrighted work is a "work made for hire" (either a work prepared by an employee within the scope of his or her employment or, for certain types of copyrighted works, a specially commissioned work where the parties agree ahead of time that the work is a work made for hire), the employer or other person for whom the work was created is considered the author for purposes of copyright ownership.

Ownership of a copyright may be transferred, either in whole or in part, by any means of conveyance or by operation of law, and may be bequeathed by will or passed by applicable laws of intestate succession.

As a supplement to the Copyright Act, the MIT Intellectual Property Policy, found at http://web.mit.edu/policies/13.1.html, sets forth when MIT will be the author and/or owner of a copyright in a work. As a member of the MIT Community, it is important to consider this policy along with the law of copyright when addressing copyright ownership in a work created while participating in an MIT program.

As set forth in the policy, ownership of intellectual property, including copyrighted works, made or created by MIT faculty, students, staff, and others participating in MIT programs, including visitors, is determined as follows:

> (i) ownership of intellectual property developed in the course of or pursuant to a sponsored research or other agreement will be determined according to the terms of such agreement;
>
> (ii) ownership of copyrightable works created as "works-for-hire" or pursuant to a written agreement with MIT providing for the transfer of any intellectual property or ownership to MIT will vest with MIT; and
>
> (iii) ownership of intellectual property developed by faculty, students, staff, and others participating in MIT programs, including visitors, with the significant use of funds or facilities administered by MIT will vest with MIT.

The aim of this Policy is to make available MIT technology to industry and others for the public benefit, while providing recognition to individual inventors and encouraging the prompt and open dissemination of research results.

The complete policy statement is set forth in the *Guide to the Ownership, Distribution and Commercial Development of MIT Technology*, which is available from the Technology Licensing Office.

Ownership of student theses is governed by a different set of rules. These rules can be found at http://web.mit.edu/policies/13.1.html#13.1.3.

5. What Is the Duration of a Copyright?

Rights in a particular work do not last forever, and once a copyright expires, the work is in the public domain and can be used by others without restriction. The following chart sets forth the duration for copyrights, depending on when the work was first published or created.

Date of Work	Status
If the work was published before 1923	The work is in the public domain
If the work was published from 1923 to 1963	The work is protected if it was published with a copyright notice Protection lasts for 28 years, and could be renewed for 67 years (originally 47 years, extended an additional 20 years) If the copyright was not renewed, then the work is now in the public domain
If the work was published from 1964 to 1977	The work is protected if it was published with a copyright notice Protection lasts for 28 years for the original term, automatically extended for an additional 67 years
If the work was created after 1/1/1978	NO COPYRIGHT NOTICE REQUIRED Protection lasts for the life of the author, plus 70 years For works for hire, protection extends for 95 years after publication
For any dates, if the work was created by the U.S. Government	The work is in the public domain

Just because a work is available on the Internet does not necessarily mean it is in the public domain. To the contrary, much of what is accessible on the Internet is protected by copyright.

6. What Is Copyright Infringement?

Generally speaking, copyright infringement occurs whenever someone violates any of the exclusive rights, described above, of a copyright owner. Depending on the circumstances, remedies for copyright infringement can include injunctive relief, impoundment and destruction of infringing articles, damages and lost profits, and costs and attorneys' fees.

Exceptions to Exclusive Rights of a Copyright Owner

Although a copyright owner enjoys a number of exclusive rights, described above, there are also exceptions to those rights. The most common exceptions are listed below. It is important to remember that these exceptions are not mutually exclusive; rather, several exceptions may apply to a particular set of facts (*e.g.*, fair use and face-to-face educational instruction).

1. Fair Use (§ 107 of the Copyright Act)

One of the most important exceptions—especially in the academic setting, where faculty and students alike may want to rely on copyrighted work for teaching or scholarship—is the doctrine of "fair use." The fair use doctrine allows the use of copyrighted materials without permission of the copyright owner under certain circumstances.

At the outset, it is important to understand that there is no bright line test to determine whether a particular use constitutes fair use. Rather, each situation must be analyzed by applying the specific facts to the legal framework set forth in the Copyright Act.

The Copyright Act contains a list of the various purposes for which the use of a work may be considered "fair," including criticism, comment, news reporting, teaching, scholarship, and research. But even within those examples, not every use is a fair use, nor is fair use necessarily limited to those examples. As a result, the Copyright Act also sets out four factors to be considered in determining whether or not a particular use is fair:

1. *The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.*

   A use that is commercial in nature is less likely to be fair than a use that is for nonprofit educational purposes, although in some circumstances even a commercial use can be considered fair.

   Transformative uses—uses that result in the creation of a new work, with a new purpose and different character—are more likely to be considered fair than are uses that merely reproduce a work. The more transformative a particular use is, the less significant the other factors are likely to be.

2. *The nature of the copyrighted work.*

   The use of an unpublished work is less likely to be fair than the use of a published work, and the use of a highly creative work is less likely to be fair than the use of a scholarly, factual, or scientific work.

   Some types of materials probably can never be used under fair use because they are especially susceptible to harm from reproduction. Examples include closely guarded exam questions, or works that were meant to be used for teaching and are designed to be consumable, such as workbooks or exam answer sheets.

Questions to ask for each piece of content ("yes" answers will weigh against fair use):

- Is the copyrighted work fictional or highly creative?
- Is the copyrighted work a commercial audio, visual, or audiovisual work (*e.g.*, a popular song or movie)?
- Is the work unpublished?
- Did the copyrighted work come from a consumable work, such as a workbook or an exam answer sheet?

3. *The amount and substantiality of the portion used in relation to the copyrighted work as a whole.*

   The use of all or nearly all of a copyrighted work (*e.g.*, the entirety of a song) is less likely to be fair than the use of a limited amount of a copyrighted work (*e.g.*, a short excerpt of a book). Also relevant is whether you have copied more material than necessary to fulfill the fair use goal. For example, if someone uses two pages of a book even though a point could have been made using only a single paragraph, then use of the two pages is likely not a fair use. On the other hand, it is possible that even a substantial use will be fair if the use is necessary for the particular criticism, comment, research, etc.

   Questions to ask for each piece of content ("yes" answers will weigh against fair use):

   - Are you using more than an insignificant portion of the original work?
   - Does the copyrighted work form a substantial portion of the new work?

4. *The effect of the use upon the potential market for or value of the copyrighted work.*

   Courts frequently state that this factor is the single most important consideration in the fair use analysis. If a third party uses a copyrighted work in a way that could have a negative impact on the marketability of the work, authors would have no incentive to create such works. This would defeat the purpose of the copyright monopoly, which is meant in part to create incentives for original work.

   The key question is whether use of the work could potentially harm the market for the copyrighted work—the fact that the copyright owner does not actually sell the work is irrelevant.

   Questions to ask for each piece of content ("yes" answers will weigh against fair use):

   - Will the use tend to diminish the potential sale of the work?

- Would royalties generally be required for use of this type of work?
- Will use of the work obviate the need for others to purchase the original work?
- Is the work still in print?
- Is the copyright holder identifiable?
- Is there a market for obtaining permission to use the work, for example through the Copyright Clearance Center?

Use of a work can still be considered fair even if some of the questions above were answered "yes." After considering each of the four factors outlined above, if most of the factors lean in favor of fair use, then the activity will likely be allowed. If most lean in the opposite direction, then the use will likely not qualify as fair use and permission would be required. Importantly, even if some of the factors weigh against fair use, a transformative use that relies on no more of the copyrighted material than is necessary to establish a particular point is the kind of use that is most likely to be considered fair.

One word of caution: there are many sources of information about copyright fair use available on the Internet, often in the form of "guidelines" or "rules of thumb." While these resources can be a useful tool in helping to determine whether a particular use is fair, they should not be viewed as definitive rules that can be rigidly applied to all situations.

For example, in some circumstances, strict adherence to a particular guideline may result in a user exceeding the permissible bounds of fair use. In other settings, however, relying too much on a particular rule of thumb may unnecessarily restrict uses that can properly be described as fair. Indeed, guidelines and rules of thumb may, in some situations, be misunderstood as stating the fair use doctrine's outer limits, when in reality they may more accurately be characterized as establishing a narrow "safe harbor."

Again, the key thing to remember is that each and every use must be analyzed based on an application of the specific facts to the fair use framework set out in the Copyright Act. Unfortunately, fair use is a fact-based concept with unlimited shades of gray. If you have any doubt about whether a particular use is fair, it is always advisable to consult a knowledgeable attorney or, if possible, seek permission for the use of the copyrighted work.

2. Reproduction by Libraries and Archives (§ 108 of the Copyright Act)

Under limited circumstances and for very specific purposes, libraries and archives are permitted to reproduce copyrighted works, including for purposes of preservation, security, or replacement of deteriorating or damaged works. These circumstances are spelled out in detail in § 108 of the Copyright Act.

3. "First Sale" Doctrine (§ 109 of the Copyright Act)

The "first sale" doctrine permits the owner of a lawfully obtained copy of a copyrighted work (*e.g.*, a book purchased at a book store) to sell or otherwise

dispose of the possession of that copy without permission of the copyright holder. With the exception of sound recordings and computer programs under certain circumstances, the first sale doctrine permits the owner of a particular copy of a copyrighted work to rent, lease, or lend that copy.

4. Performances and Displays for Teaching Purposes (§ 110(1) of the Copyright Act)

It is permissible for instructors or pupils to perform or display copyrighted works in the course of face-to-face teaching activities at a nonprofit educational institution in a classroom or similar place devoted to instruction. This exception does not apply when, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made and the person responsible for the performance knew or had reason to know that the copy was not lawfully made. This exception also does not permit copying and/or distribution of the copyrighted work; only displays or performances during class time are permitted.

Section 110 also permits certain other performances and displays for educational, religious, or other non-profit purposes, subject to a number of specific requirements set forth in the section.

TEACH Act

The Technology, Education, and Copyright Harmonization Act of 2002 ("TEACH Act") (which revised § 110(2) of the Copyright Act) expanded the rights to perform and display copyrighted materials in digital form in distance education without first obtaining permission from the copyright owner. The TEACH Act only extends these rights to accredited nonprofit educational institutions (as well as governmental bodies).

1. Background

Prior to the TEACH Act, transmissions of electronic educational materials to distance learning locations were often severely limited or not permitted without first obtaining permission from the copyright owner. The TEACH Act brings the rights of distance educators to use copyrighted materials in their teachings closer to the rights of face-to-face educators. Although there are still limits on the use of copyrighted content in distance education, the TEACH Act greatly expanded the types of materials that can be used. Moreover, as with face-to-face teaching, fair use can still be applied in distance education to determine if certain uses of copyrighted material are permitted without requiring permission from the copyright owner.

2. What Are the Benefits of the TEACH Act?

The TEACH Act offers the following benefits:

- permits the transmission of the performance of nondramatic literary or musical works in their entirety;

- permits the transmission of the performance of reasonable and limited portions of any other work, including audio-visual works such as films and videos;

- permits the transmission of the display of any work in an amount comparable to that which is typically displayed in the course of a live classroom session;

- subject to the TEACH Act's limitations, allows the transmission of copyrighted materials to students at any location, rather than just the classroom; and

- permits transient or temporary storage of material carried out through the automatic technical process of a digital transmission of the performance or display.

3. What Are the Requirements of the TEACH Act?

With regard to accredited nonprofit educational institutions, the benefits of the TEACH Act are allowed under the following circumstances:

- the performance or display is made under the supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of the institution;

- the performance or display is directly related and of material assistance to the teaching content of the transmission; and

- the transmission is made solely for, and, to the extent technologically feasible, the reception of the transmission is limited to, students officially enrolled in the course for which the transmission is made.

Moreover, to qualify for the TEACH Act's benefits, the educational institution must (i) institute policies regarding copyright (MIT's copyright policy can be found here), (ii) provide information to faculty, students, and staff that accurately describes and promotes compliance with the copyright laws; and (iii) provide notice to students that materials used in connection with the course may be subject to copyright protection.

In the case of digital transmissions under the TEACH Act, the educational institution must also (i) apply technological measures that reasonably prevent both retention of the work in accessible form by recipients and unauthorized further dissemination of the work by recipients to others, and (ii) not engage in conduct that could reasonably be expected to interfere with technological measures by copyright owners to prevent such retention and dissemination.

The TEACH Act does excludes certain types of materials from use under the Act. Universities cannot, for example, rely on the TEACH Act to digitize analog works when a digital version of the work already exists. Nor can the TEACH Act be relied on to digitally transmit (1) copyrighted works that are produced and marketed to be used primarily in educational activities that are transmitted digitally; (2) copyrighted works that are known, or a user had reason to know, are not lawfully copied and

acquired under the Copyright Act; or (3) textbooks and coursebooks typically purchased by students individually.

The University of Texas has developed a checklist to assist educators in determining whether they are "ready to use the TEACH Act":
http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm

Digital Millennium Copyright Act

Signed into law by President Clinton in 1998, the Digital Millennium Copyright Act ("DMCA") implemented two 1996 World Intellectual Property Organization ("WIPO") treaties. Although the DMCA covers a number of topics, there are two areas that have particular impact on the MIT Community and have received a significant amount of attention: the Anti-Circumvention Prohibitions and the Online Copyright Infringement Liability Limitation Act.

1. Anti-Circumvention Prohibitions

Title I of the DMCA (§ 1201 of the Copyright Act) imposes prohibitions to protect two separate types of technology: (i) technological measures used by copyright owners to prevent unauthorized *access* to their works ("access control technologies") and (ii) technological measures used by copyright owners to prevent unauthorized *copying* of their works ("copy control technologies") ("copying," in this context, refers to the exercise of any of the exclusive rights of a copyright owner).

Subject to limited exceptions, the DMCA makes it a crime to make or sell any product or service designed to circumvent either access control technologies or copy control technologies. In addition, the DMCA makes it a crime to actually circumvent access control technologies—even if there is no copyright infringement. There is no express prohibition, however, on actually circumventing copy control technologies, because the fair use doctrine may permit a person to lawfully copy copyrighted works, but fair use does not permit unauthorized access to copyrighted works.

In addition to a variety of exceptions for law enforcement, intelligence, and other governmental purposes, there are six exceptions to the DMCA's anti-circumvention prohibitions. These exceptions are summarized below, although they include certain limitations not set forth here. They are spelled out in greater detail in § 1201 of the Copyright Act.

- *Nonprofit libraries, archives, and educational institutions*—Nonprofit libraries, archives, and educational institutions can circumvent access control technologies of a commercially-exploited copyrighted work solely to determine whether to obtain authorized access to the work, and only for so long as necessary to make that determination.

- *Reverse engineering*—A person who has lawfully obtained the right to use a copy of a computer program can circumvent, and develop means to circumvent, access control and copy control technologies for the sole purpose of identifying and analyzing those elements of the protected program that are necessary to achieve interoperability of an independently created computer program with other programs.

- *Encryption research*—A person can circumvent, and develop means to circumvent, access control technologies in order to identify and analyze flaws and vulnerabilities of encryption technologies.

- *Protection of minors*—This exception allows a court to consider the necessity of circumvention technologies as a part of access control technologies that prevent access of minors to material on the Internet.

- *Personal privacy*—This exception permits circumvention where the access control technologies are capable of collecting or disseminating personally identifiable information about the online activities of individuals.

- *Security testing*—A person can circumvent, and develop means to circumvent, access control technologies for the purpose of testing, investigating, or correcting a security flaw or vulnerability.

2. Online Copyright Infringement Liability Limitation Act

Title II of the DMCA limits the liability of Internet service providers ("ISPs") for copyright infringement. These limitations apply to four different circumstances, described in § 512 of the Copyright Act.

- *Transitory communications (§ 512(a))*—In general, the DMCA limits the liability of an ISP where the ISP merely acts as an automated data conduit, transmitting unmodified digital information from one point on a network to another at someone else's request (including the intermediate and transient storage of that digital information).

- *System caching (§ 512(b))*—The DMCA also limits the liability of an ISP for the practice of retaining copies, for a limited time, of material that has been made available online by a person other than the ISP, and then transmitted to a subscriber at his or her direction. The limitation allows the ISP to retain temporary copies so that subsequent requests for the same material can be fulfilled by transmitting the retained copy, rather than having to retrieve the material from the original source, thus reducing the ISP's bandwidth requirements and reducing waiting time on subsequent requests for the same information.

- *Information residing on systems or networks at direction of users (§ 512(c) and (g))*—The DMCA also allows a "safe harbor" for ISPs that limits the liability for infringing materials on websites (or other information repositories) hosted on their systems at the direction of a subscriber. To be eligible for the safe harbor, the ISP must not know of the infringing activity and, if it has the right to control the infringing activity, it must not benefit financially from the infringing activity. In addition, upon receiving proper notice of claimed infringement—via a so-called "take down" notice—the ISP must expeditiously take down or block access to the material (the ISP must also file with the Copyright Office a designation of an agent to receive take down notices). Section 512(c) and (g) describes the following procedure to follow concerning take down notices:

- A copyright owner submits a notice under penalty of perjury, including a list of specified elements, to the ISP's designated agent;

- If, upon receiving the notice, the ISP promptly removes or blocks access to the material identified in the notice, the ISP is exempt from monetary liability to the copyright owner (as well as liability to any person for claims that the material was improperly taken down);

- The ISP must also notify the subscriber that it has removed or disabled access to the material;

- The subscriber then has the opportunity to file a counternotice, under penalty of perjury, stating that the material was removed or disabled through mistake or misidentification;

- If the ISP receives a counternotice, then unless the copyright owner files a lawsuit seeking a court order against the subscriber, the ISP must restore the material within 10-14 business days after receiving the counternotice.

- *Information location tools (§ 512(d))*—Subject to several conditions, the DMCA limits the liability of ISPs for referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link.

Beyond limiting liability for these four categories of activities, Title II of the DMCA (§ 512(e) of the Copyright Act) also includes special rules governing liability for nonprofit educational institutions. This section determines when the actions or knowledge of a faculty member or graduate student employee who is performing a teaching or research function may affect the eligibility of a nonprofit educational institution for one of the four limitations on liability.

As to the limitations for transitory communications and system caching, the faculty member or graduate student shall be considered a "person other than the provider," so as to avoid disqualifying the institution from eligibility. As to the other limitations, the knowledge or awareness of the faculty member or graduate student will not be attributed to the institution if each of the following is satisfied:

- the faculty member's or graduate student employee's infringing activities do not involve providing online access to course materials that were required or recommended during the past three years;

- the institution has not received more than two notifications over the past three years that the faculty member or graduate student was infringing; and

- the institution provides all of its users with informational materials describing and promoting compliance with copyright law.

3. MIT's DMCA Policies and Procedures

The rules established by the DMCA touch upon a number of activities in which members of the MIT Community might engage, including the sharing of electronic files and the posting of content on web pages. As a result, MIT has developed a number of policies and procedures for dealing with these situations.

For example, in 2003 peer-to-peer file sharing programs became more widely used around the world. Although MIT had copyright guidelines in policy form and in its Acceptable Use Policy for years, the senior administration concluded that the Institute needed to further clarify, educate, and communicate its position on unauthorized sharing of content via MIT's network. This policy statement can be found at http://web.mit.edu/ist/topics/security/copyright/p2p.html.

MIT has also designated an agent to receive DMCA "take down" notices about the unauthorized online use of copyrighted materials. Electronic notices should be sent to dmca-agent@mit.edu. More details about the information that must be included in a take down notice can be found at http://web.mit.edu/ist/topics/security/copyright/filing-notice.html.

Information about what to do if you receive a take down notice can be found at http://web.mit.edu/ist/topics/security/copyright/notices.html. Moreover, over the last several years MIT, like most universities, has been forced to respond to the much-publicized activities of the Recording Industry Association of America ("RIAA") in response to the sharing of copyrighted music files over the Internet. The RIAA's activities have included sending MIT preservation requests, pre-litigation settlement letters, and subpoenas. This link also describes MIT's response to these activities, and provides information about what to do if you receive a communication from the RIAA.

If MIT receives a DMCA take down notice concerning a student who is alleged to have posted copyrighted material online, it follows the protocol described here: http://web.mit.edu/ist/topics/security/copyright/protocols.html.

Finally, MIT's general policies concerning the reproduction of copyrighted material can be found at the following links: http://web.mit.edu/policies/13.5.html and http://web.mit.edu/copyright.

Copyright Resources for Student and Faculty Authors

Students and faculty working on theses or scholarly works often have questions about their ownership of the copyrights in their works or how they can better protect their rights on a going-forward basis. The following are some useful resources to assist authors in the MIT Community.

The link below sets forth MIT's policy concerning the ownership of intellectual property, including the ownership of the copyright in works made or created by MIT faculty, students, staff, and others participating in MIT programs:

http://web.mit.edu/policies/13.1.html

Specific rules governing the ownership of copyright in student theses can be found at http://web.mit.edu/policies/13.1.html#13.1.3.

In addition, the MIT Libraries now have a half-time position supporting MIT faculty and researchers who have questions about their options and rights in the world of scholarly publishing, which has evolved dramatically with the advent of the digital age.

Information to assist MIT faculty in retaining rights to use their publications and increasing the impact of their research can be found at the following link:

http://info-libraries.mit.edu/scholarly/

The information available at this site includes a form Amendment to Publishing Agreement, which is a tool authors can use to retain rights when assigning their copyright ownership to a publisher. It will enable authors to continue using their publications in their academic work at MIT, to deposit them into the MIT Libraries' DSpace repository, and to deposit any NIH-funded manuscripts on the National Library of Medicine's PubMed Central database. Questions about this form, or about retaining your rights in general, can be directed to Ellen Duranceau, Scholarly Publishing and Licensing Consultant for the MIT Libraries.

The MIT Libraries also provide copyright information for MIT faculty who wish to post course material on the Web: http://libraries.mit.edu/about/copyright-faculty.html