



## **NEW PROFESSIONS TECHNICAL INSTITUTE**

### **Policies and Procedures**

#### **COPYRIGHT INFRINGEMENT**

**Introduction:** In compliance with the 18 USC 2319, Criminal Copyright Infringement, 17 USC 101, the No Electronic Theft (“Net”) Act and the Digital Millennium Copyright Act’s provisions relating to educational institutions, **New Professions Technical Institute (NPTI)** encourages its students, faculty, and staff to educate themselves on the principles of copyright and to respect the rights of copyright owned by others. Individuals using computers and networks (the “account holder”), library, and other academic resources at NPTI (the “Institute”) are responsible for complying with copyright laws and the Institute’s policies and procedures regarding the use of copyrighted materials.

#### ***Copyright Policy***

Notification, Investigation, and Removal Procedures

#### ***Institute Authority***

In the case of copyright infringement by an account holder, the Institute reserves the right to deny, limit, revoke, or extend computing privileges and access to the network at its discretion or to impose other sanctions at its discretion. (See end of this policy statement for procedures on copyright infringement concerning language, literature, or media other than computers and networks.). Once a determination of copyright infringement has been made under the Procedures for Investigation and Disposition of Copyright Infringement Allegations, the matter will be referred to the appropriate authority as defined below. The Director of Education will deal with student violations of this policy. Faculty and Staff violations of this policy will be dealt with by the Executive Director. The procedures outlined below will apply when the Institute receives written notification of an alleged copyright infringement.

#### ***Notification of Infringement by Copyright Holder***

Copyright holders who believe an account holder has infringed their copyrighted material must notify the Registrar (the “designated agent”) of the allegedly infringing action or material in writing. For purposes of these procedures, an Email message from the copyright holder shall be

considered a written notice providing the copyright holder alleging the infringement is identified and is willing to provide additional signed documentation of his/her claim.

The notification must:

1. Identify the copyrighted material being infringed in sufficient detail to permit the University to locate the allegedly infringing material on the University's network.
2. State the basis for the claim of possible infringement.
3. State the basis for the copyright holder's copyright in the work (e.g., author, owner, assignee).

### ***Notification of Account Holder of Allegation of Copyright Infringement***

The designated agent will notify the account holder who appears to have posted the allegedly infringing material that an investigation procedure will be conducted according to published policy.

### ***Procedure for Investigation and Disposition of Copyright Infringement Allegations***

If the allegedly infringing material is being used for a class at the Institute, the designated agent will attempt to secure an arrangement with the copyright holder for use of the allegedly infringing material by the account holder until the end of the current academic term. Failing a satisfactory arrangement, the designated agent will notify the account holder and investigate the alleged infringement and act as set forth below regarding any allegedly infringing material. If, after the investigation, the designated agent determines that the allegedly infringing material appears not to infringe on the copyright of the copyright holder, the designated agent will notify the copyright holder and the account holder of this determination. If the copyright holder disagrees with the determination of the designated agent, the copyright holder may request in writing that the Institute ask its attorneys to render an opinion as to whether the allegedly infringing material constitutes copyright infringement.

If the material is determined not to constitute copyright infringement, the material will remain on the network. If, after investigating, the designated agent determines that the allegedly infringing material appears to infringe the copyright of the holder, the designated agent, working with the appropriate authority, will follow the procedures for removal of infringing materials set forth below.

### ***Removal of Infringing Material***

If, after the designated agent's investigation, the determination is made that the allegedly infringing material appears to infringe the copyright of the holder, the designated agent will notify the copyright holder and the account holder whose account was used to post the allegedly infringing material. The designated agent will direct the appropriate IT staff member to remove, or block access to, the allegedly infringing material. At this time, the appropriate authority, as designated under "Institute Authority," will be notified.

Upon receipt of notification from the designated agent that allegedly infringing material appears to infringe the copyright of the copyright holder and is being blocked or removed from the Institute's computers or network, the account holder may request that the designated agent restore the removed or blocked material based on the account holder's belief that the allegedly infringing material is not infringing. Such a request must be in writing and include a detailed statement of the basis for the account holder's belief that the allegedly infringing material is not infringing, as well as a request that the Registrar removed or blocked material be restored. If the designated agent receives such a request from the account holder, the designated agent, in consultation with the appropriate Institute authority, will provide a copy of the request to the copyright holder and to the Institute attorneys, if the attorneys have not already provided an opinion on the matter.

If within ten days after a copy of the account holder's request is sent to the copyright holder by the designated agent, the designated agent has not received a written request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the designated agent will notify IT department to restore the material so long as Institute attorneys, if they have been consulted, agree that the material does not constitute an infringement of copyright. IT department will restore the allegedly infringing material within four days of the receipt of such notification. If the designated agent receives, within ten days, a request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the designated agent will provide copies of all correspondence to the Institute's attorneys. Notification of this request from the copyright holder will also be sent to the account holder who had appealed the original decision regarding the alleged copyright infringement, and the appropriate Institute authority. The Institute attorneys will be asked to render an opinion as to whether the allegedly infringing material constitutes copyright infringement.

If the allegedly infringing material is determined by the Institute attorneys, not to constitute copyright infringement, the material will be restored by the IT department within four days of such determination. If the designated agent receives, within ten days, a request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the designated agent will provide copies of all correspondence to the Institute's attorneys.

Notification of this request from the copyright holder will also be sent to the account holder who had appealed the original decision regarding the alleged copyright infringement, and the appropriate Institute authority. The Institute attorneys will be asked to render an opinion as to whether the allegedly infringing material constitutes copyright infringement. If the allegedly infringing material is determined by the Institute attorneys, not to constitute copyright infringement, the material will be restored by the IT department within four days of such determination.

### ***Policy Review***

The Copyright Infringement's Committee consisting of the School Director, Director of Admissions, Registrar and Director of Education will ensure that this policy is reviewed every year.

### ***Interim Designation of Agents to Receive Notification of Claimed Infringement***

This is to notify copyright holders that the following persons have been designated by New Professions Technical Institute (NPTI) to serve as designated agents and to receive requests concerning claimed copyright infringement, pursuant to the Digital Millennium Copyright Act: June 19, 2003. Any copyright holder wishing to send a notice to Florida Department of Education for Continuing Education (FLDOE/CIE) regarding possible copyright infringement should file that notice in writing with the appropriately designated agent at the following address:

Registrar,  
New Professions Technical Institute,  
4000 West Flagler Street,  
Miami, FL 33134

### **Sources**

1. The Copyright Office regarding Interim Regulations is available at <http://lcweb.loc.gov/copyright/onlinesp/>
2. The Interim Regulations are available at <http://www.aop.org/legis/interim.html>
3. Circulars from the U.S. Copyright Office: <http://www.loc.gov/copyright/circs>
4. University of South Florida-Tampa: <http://www.lib.usf.edu/acscvc/copyright.html>
5. (This is a broad collection of sources on copyright)
6. Skidmore College Guideline: <http://www.skidmore.edu/help/rules/copyright.html>
7. Washington and Lee University: <http://www.wlu.edu/>