

GENERAL INSTITUTION**AP 3750 USE OF COPYRIGHTED MATERIAL****References:**

- Education Code Sections 32360 and 67302
- U. S. Code Title 17, Copyright Act of 1976
- The TEACH (Technology, Education and Copyright Harmonization) Act

Notice of Copyright Policy

Instructional materials presented under the auspices of Palomar College may contain copyrighted materials subject to the United States copyright laws (U.S. Code Title 17). Palomar College intends to fully comply with US copyright laws and promote full compliance on the part of its faculty members, staff, and students. "Online" or web-based instructional materials presented within the palomar.edu domain may contain copyrighted materials. Such materials may only be used legally as specified in the United States copyright law. Where instructional content uses copyrighted materials, the materials may not be duplicated, retained or redistributed in any manner contrary to law.

Additional information about United States copyright laws can be found at the web site of the United States Copyright Office.

Online Courses

The Teach Act provides instructor's greater flexibility to use third party copyrighted works in online courses. An individual assessment will be required to determine whether a given use is protected under the Act. The following criteria are generally required:

- The online instruction is mediated by an instructor.
- The transmission of the material is limited to receipt by students enrolled in the course.
- Technical safeguards are used to prevent retention of the transmission for longer than the class session.
- The performance is either of a non-dramatic work or a "reasonable and limited portion" of any other work that is comparable to that displayed in a live classroom session.
- The work is not a textbook, course pack, or other material typically purchased or acquired by students for their independent use and retention, including commercial works that are sold or licensed for the purposes of digital distance education.
- The District does not know, or have reason to know, that the copy of the work was not lawfully made or acquired.

- The District notifies students that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder.

Streaming Media Server Workflow

The Academic Technology Resource Center will develop streaming server workflow processes that comply with the TEACH (Technology, Education and Copyright Harmonization) Act.

Office of Primary Responsibility: Instructional Services