

Use of Copyrighted Works

Functional Lead: Provost

Division: Library of the Marine Corps

Responsible Office: Marine Corps University Copyright Clerk

References: (a) Title 17, United States Code (Title 17, USC)

(b) SECNAVINST 5870.9

(c) SECNAVINST 5870.8

(d) MCU Business Regulations

1. Purpose. The purpose of this section is to define Marine Corps University's standards for copyright compliance in terms of requesting and obtaining permission to use a copyrighted work, following applicable terms of use, and to identify standard procedures to address cases of non-compliance.

2. Background. Copyright compliance is the adherence to laws and guidelines that focus on the protection of intellectual property. There are two main types of protection for copyrighted materials:

a. Use of the Works of Others: The policy, rules, and procedures for copyright protection as it applies to the use of the intellectual property of others (primarily external to MCU) are addressed on the Library of the Marine Corps (LoMC) website, reference (b), and this policy.

b. Government Owned and Faculty / Author Owned Works: The policy, rules, and procedures for copyright protections as it applies to government owned and faculty owned works are addressed in reference (c) and the Copyright Protection Policy in the MCU Academic regulations.

3. Policy

a. MCU. All MCU faculty, students, staff, and contractors must adhere to copyright laws and regulations, as outlined in Title 17, USC.

b. LoMC

(1) The LoMC copyright program, run by the Copyright Clerk, supports MCU faculty and staff by providing guidance and procedures for obtaining permission to use copyright-protected works. The goal of the LoMC copyright program is to provide MCU leadership, faculty, and staff with a unified approach that is applied throughout the campus. This covers activities such as photocopying and digitization of works; using works in resident and non-resident educational settings; and development of hard copy and digital course packs.

(2) The LoMC/Copyright Clerk is responsible for the following:

(a) Providing training to faculty and school Copyright Control Managers (CCM) on the basics of copyright.

(b) Obtaining copyright permissions for MCU requests via the MCU Annual Academic Copyright License (AACL) and forwarding notification of approval to the requesting faculty member and school CCM.

(c) Managing the request process for materials not covered by the AACL and notifying the requesting faculty member and school CCM of the status and outcomes of requests.

(d) Conducting annual inspections of schools and programs to ensure compliance with copyright laws and guidelines and maintain inspection logs.

c. MCU Copyright Control Managers. Each school's CCM is responsible for the following:

(1) Managing their school's copyright control program.

(2) Maintaining records and files necessary to document copyright compliance.

(3) Ensuring that all copyrighted materials used by their school – whether hard copy or digital – comply with approved use terms and conditions.

d. Individuals. It is the responsibility of all individuals to adhere to copyright rules and guidelines as outlined by their Copyright Control Manager or the MCU Copyright Clerk.

e. Non-Compliance. Non-compliance may be handled in accordance with Chapter 5, Title 17, USC, Copyright Infringement and Remedies (military and civilian service members) and/or applicable statutes of the Uniform Code of Military Justice (UCMJ) for military members.

4. Procedures

a. Faculty will submit the Copyright Permission Request Form(s) to the organizational CCM.

(1) CSC Elective Faculty may submit their form(s) directly to the MCU Copyright Clerk. However, the form(s) will be returned via the CSC CCM for processing.

(2) A copy of the title page and copyright statement page will greatly facilitate processing your request. The individual should make every effort to include this with your request(s).

b. The CCM reviews the form and then sends it to the MCU Copyright Clerk (Email is preferred: mcu_grc_copyright@usmcu.edu).

c. The MCU Copyright Clerk assigns a unique tracking number to the Copyright Permission Request Form(s). Each tracking number will identify the requestor, the Academic Year (AY) and the individual request using this format: SAW21001. The tracking number will be used by CCMs to query status of requests.

d. School and academic support program identifiers:

MCWAR: Marine Corps War College

SAW: School of Advanced Warfighting

CSC: Command and Staff College. (CSC electives will be identified in the Copyright Permission Request Form)

EWS: Expeditionary Warfare School

CEME: College of Enlisted Military Education

CDET: College of Distance Education and Training. CDET comprises elements of CSC, CEME, and EWS. These will be identified in the Copyright Permission Request Form

KC: Krulak Center for Innovation and Future War

LLI: Lejeune Leadership Institute

LCSC: Leadership Communication Skills Center

e. The MCU Copyright Clerk researches the request and provides the CCM with a Copyright Status Form. This form will provide the status of the request.

(1) If the request is covered by our Copyright Clearance Center (CCC) contract, there is no cost and the material can be used in the applicable lesson/course. Comply with the applicable terms of use per the Approved Copyright Status Form(s).

(2) If the request is approved for use at no cost by the rights holder, the material can be used in the applicable lesson/course. Comply with the applicable terms of use per the Approved Copyright Status Form(s).

(3) If the request is not covered by the CCC contract and the copyright holder has to be contacted, this will be noted on the Copyright Status Form. The MCU Copyright Clerk will contact the rights holder (via Email or online contact form, as required). If the request requires processing by the rights holder, this will be noted. Requests requiring additional processing by the rights holder may take six to eight weeks or longer. The CCM will be notified as appropriate when status is updated.

(4) If the request will incur a cost through the CCC or the rights holder, this will be noted. You will be asked to approve the purchase since this is funded by your budget.

(5) The CCM will return the Copyright Status Form(s) to the MCU Copyright Clerk with the applicable block checked (Approve purchase/Disapprove purchase). The MCU Copyright Clerk will then take the appropriate action:

(a) Approved: The MCU Copyright Clerk will create a Fiscal Processing Package for the applicable school's Fiscal Section to use in Purchase Request (PR) Builder to request approval of the purchase by the Regional Contracting Office (RCO), MCB Quantico, Virginia. The Fiscal Processing Package will be sent to the CCM for appropriate action.

(b) Disapproved. The MCU Copyright Clerk will file the Copyright Status Form with the original request.

(6) The CCM or school fiscal section will notify the MCU Copyright Clerk when the RCO approves the Fiscal Processing Package and assigns a contract number. A copy of the approved contract will be provided to the MCU Copyright Clerk. The MCU Copyright Clerk will file the contract with the applicable request and issue a final approved Copyright Status Form authorizing use of the material.

f. Note that the author and/or publisher may or may not be the copyright holder.

g. The school/college or academic program cannot use the material until it has been cleared via the CCC, purchased via the CCC, cleared via the rights holder, or purchased via the rights holder.

h. Requests will generally be processed as received. However, if your organization has a short-notice requirement, please ensure that it is noted in the email. Faculty need to submit the requests as soon as possible to allow for processing.

i. Payment processing is routed through the base contracting officer via the applicable school/organizational fiscal personnel. This can be a lengthy process depending on the time of the Fiscal Year. The applicable school/organizational fiscal personnel will maintain situational awareness on the processing of copyright requests. Minimum processing time per the RCO is 40 days.

Related Policies and Forms:

Copyright Permission Request Form

Copyright Permission Status Form

MCU Copyright Protection Policy

MCU Business Regs – Copyright Protection

MCU Library Research Guides – Copyright Guide

MCU General Guidelines on Copyright and Fair Use

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