GUIDE TO THE UNIVERSITY COMMUNITY ON:

Use of material in digital form and copyrights

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I. Introduction

At the Ana G. Méndez University System (“AGMUS”) we are committed in observing and promoting compliance with copyright laws. Copyrights have a direct impact on diverse and multiple areas of academic life.

The purpose of this guide is to provide the AGMUS community with a basic knowledge regarding the use of works in digital form and copyright law.

II. What is copyright?

Pursuant to the Copyright Act of 1976, 17 U.S.C. §101-et seq., as amended, a copyright is the exclusive right granted by the federal government to creators of original works of authorship for a limited period of time.

An original work of authorship is defined as that which is fixed on a tangible medium of expression, now known or developed in the future, from which the work may be perceived, reproduced and/or otherwise communicated. The protection granted under federal law commences at the moment the work is fixed on a tangible medium of expression.

Copyright law vests unto the copyright owner, the right to commercially exploit a work. The author of an original work may transfer, sell, and/or assign his rights to another person.

III. What are some examples of selling, transferring or assigning copyrights?

Pursuant to the Copyright Act of 1976, 17 U.S.C. §101-et seq., as amended, the author of an original work may transfer, sell, and/or assign his rights to another person.

Some examples of these are:

- Selling a license for the use of computer software.
- Assign the rights to a literary work in exchange for royalties.
- Selling the rights to a story so that it may be created into a movie.
- Granting a license so that another persona may use or sing a particular song.
- Granting a license to use books in digital and/or electronic format.

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1 For discussion purposes and analysis under this guide, it is presumed that all uses described herein do not comply with and/or are not subject to a fair use defense. The concept of fair use is not discussed nor is part of this guide. The concept of fair use is the subject of discussion in other guides disseminated by the Associate Vice Presidency of Intellectual Property and Commercialization.
IV. What is protected by copyrights?

Under copyright law, works protected include literary works, musical compositions including any accompanying words, photographs, images and videos, among others.

V. May I copy or share copyright protected works over the internet?

No. It is illegal and legally sanctionable to download and/or share over the internet copyrightable works without the previous authorization and/or corresponding license from the copyright owner. This includes the downloading, uploading and/or sharing over the internet unauthorized copies of movies, videos, photographs, presentations, games music, electronic and/or digital books, and computer software/programs, among others.

It is illegal to include and/or make available copyrighted works, without the copyright owner’s authorization, on programs, social media, and/or peer to peer file sharing and/or software. Such conduct constitutes a copyright infringement and violation to SUAGM policies.

VI. May I publish on the internet copyrighted works?

No. It is illegal and legally sanctionable to publish, upload and share over the internet copyrighted works without the copyright owner's previous authorization and/or license. This includes the publishing, uploading and sharing over the internet unauthorized copies of texts, textbooks, presentations, movies, games, music, electronic books, and computer software, among others.

VII. May I make a copy of a software?

The law authorizes the owner of legally acquired computer software to: (i) install the software in only a single computer, or as per the license agreement; and (ii) make one copy for archival purposes only.

It is illegal to (i) install and/or use the software on more than one computer; and/or (ii) to make or distribute copies of the software.

Access to software through employment and/or university networks does not grant the user authorization to copy said software.
VIII. **May I hack the security measures on electronic and/or digital apparatus/devices?**

No. It is illegal and legally sanctionable to hack the security measures implemented in electronic and/or digital apparatuses and/or devices.

Pursuant the Digital Millennium Copyright Act (DMCA)\(^2\), the act of attempting to hack and/or infringe the security provisions implemented by the copyright owner on electronic and/or digital devices and/or apparatuses is illegal. In other words, DMCA make is illegal the act of attempting and/or trying to hack said security measures, regardless of whether or not there is a copyright infringement of the content.

DMCA authorizes content owners to incorporate security measures within software and/or devices whose content is accessible to the general public. Examples of these are DVD’s, CD’s, iPod’s, and smart phones, among others.

These security measures have the purpose of, among other things, (i) discouraging the unauthorized copying of content; and (ii) maintain content integrity.

IX. **May I disseminate content through AGMUS’s network?**

No. AGMUS networks and information resources may not be utilized in violation of copyright laws, AGMUS regulations or policies.

X. **May I use content found on the internet?**

It should be presumed that all the information we obtain from webpages is copyrighted.

Just because the information is on the internet does not mean that it is in the public domain. Consequently, you may not use, copy or download the work prior to verifying if in fact the work is copyrighted or not.

On the internet, some works may be subject to specific and particular licenses such as a Creative Commons license. For more information about this type of licenses and their uses, visit [www.creativecommons.org](http://www.creativecommons.org).

XI. What maybe some of the consequences for engaging in this conduct?

The consequences for engaging in this conduct may range from administrative sanction to expulsion from the institution, and/or legal sanctions, including criminal sanctions.

For additional information please contact the Director of Copyrights patramirez@suagm.edu, propiedadintelectual@suagm.edu