

Use of Copyrighted Materials Policy Concordia Theological Seminary, Fort Wayne IN

Introduction

Concordia Theological Seminary exists to form servants in Jesus Christ who teach the faithful, reach the lost and care for all. For this reason, the seminary expects its students, faculty and staff to help everyone “to improve and protect his possessions and income” (Martin Luther, “Seventh Commandment,” *Luther’s Small Catechism with Explanation*. St. Louis: Concordia Publishing House, 1986, 13) by respecting the copyright law of the United States and by not infringing the intellectual property rights of others.

The copyright law of the United States gives the owners of copyrights the exclusive right to reproduce their works, prepare derivative works based on them, distribute copies of them, perform them, display them and transmit them digitally ([U. S. Code Title 17, Chapter 1, § 106](#)). It establishes certain limitations of these exclusive rights, for example, Fair Use ([§ 107](#)), reproduction by libraries ([§ 108](#)) and reproduction of works for people with disabilities ([§ 121](#)).

If someone wishes to make use of a copyrighted work that does not qualify for these exemptions, they must seek permission to do so from the copyright holder. To do so without this authority may be copyright infringement. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense ([§504](#), [§505](#)).

It is a violation of seminary policy for members of the seminary community to use seminary resources such as equipment, services, or facilities to access, use, copy, reproduce, distribute, or display copyright-protected materials except as permitted under copyright law. Members of the seminary community may address federal copyright requirements by applying the legal principle of “fair use.” They may employ other exemptions under federal copyright law that protect many teaching and learning activities. They may obtain permission from the copyright holder, or may receive a license to use copyright-protected materials. It is the individual responsibility of faculty, staff, students and other individuals to comply with this policy.

Plan to Discourage Unauthorized Distribution of Copyrighted Works

The [Higher Education Opportunity Act \(HEOA\)](#) of 2008 requires all U.S. colleges and universities deal with unauthorized file sharing on campus networks in order to qualify for federal student aid and loan programs. The seminary combats the unauthorized distribution of copyrighted material by users of the institution's network by the following policies and procedures.

Technological Deterrents

The seminary employs bandwidth-shaping technology to discourage illegal downloading or peer-to-peer distribution of intellectual property. The effectiveness of these measures is assessed annually by the information technology office.

Copyright Education at the Seminary

The seminary provides copyright education and information in a variety of different ways. Basic copyright principles are taught in *Bibliography and Technology*, a class required in the seminary's Master degree program. Seminary copyright policies are published in the student handbook and on the seminary's website. The Electronic Resources Librarian answers questions from the community concerning copyright. A copy of the seminary's copyright policies is emailed to all students annually.

Notices of Copyright Violations

The seminary regards violation of its policy as a serious matter. Any such violation is without its consent and is subject to appropriate disciplinary action or sanction ranging from loss of access to the relevant University services or property (including computing privileges) to dismissal or removal from the seminary as determined by applicable faculty, staff or student disciplinary policies.

Organizations that represent artists and copyright holders are directed to send notices of copyright violation to the Electronic Resources Librarian at copyright@ctsfw.edu. This staff member will refer the matter to the appropriate seminary officers, department heads and staff to resolve the matter.

Sources of Resources for Public Use

The seminary provides access to many documents, videos, audio recording and images. Subscription databases with electronic texts can be reached through links on the Walther Library website (<http://www.ctsfw.edu/library>). A variety of items in the public domain or licensed for non-commercial use reside in the seminary's institutional digital repository, the CTS Media Server (<http://media.ctsfw.edu>). Works specific to Lutheranism may be found at Project Wittenberg (<http://www.projectwittenberg.org>) and at the website of The Lutheran Church—Missouri Synod (<http://www.lcms.org>). Documents related to Christianity in general may be found at the Christian Classics Ethereal Library (<http://www.ccel.org>). Books from a wide range of sources are available at Project Gutenberg (<http://www.gutenberg.org>). A broader range of sites where resources may be downloaded legally is posted and maintained by EDUCAUSE at: <http://www.educause.edu/legalcontent>.