

1. Copyright

Copyright is a constitutionally conceived property right given to the creators, to promote & protect their original work of authorship. The copyright material could be a book, literature, picture, music, motion picture or anything which is a result of a person's mind in a physical shape.

These rights provide copyright holders control over the use of their creation and also help to avoid or minimize infringement of such material.

In India, copyright duration for a copyrighted work is generally “**life-plus-60**” i.e. the work is protected within the lifetime of the author plus sixty years after the author's death.

2. Fair Dealing/Use

A provision for fair use or fair dealing is found in the Copyright Act, 1957 under Section 52. Under this provision, reproduction of copyrighted work is, to considered fair if it is used for the following purposes:

- Private use including research [*clause (a) sub-clause (i)*]; or
- Criticism or review, whether of that work or any other work [*clause (a) sub-clause (ii)*]; or
- Back-up copies of computer programme as a temporary protection against loss, destruction or damage [*clause (aa)*]; or
- News reporting [*Clause (b)*]; or
- Reading or recitation of the work in public of any reasonable extract [*Cluase (f)*]; or
- By a teacher in the course of instruction, coextensive with the course of duration or other time limited use [*clause (h) sub-clause (i)*]; or
- As part of the questions to be answered in an examination [*Clause (h) sub-clause (ii)*]; or
- In answers to such questions [*Clause (h) sub-clause (iii)*].

If the reproduction is for one of these purposes, a determination as to whether the reproduction is fair use must be made based upon following factors:

- The purpose of use, predominantly whether for commercial or nonprofit/ educational use;
- The nature of the copyright-protected work (literary, dramatic, musical or artistic work);
- The substantial portion of the work used; and
- Effect to the market value of the copyright-protected work, after being use.

3. Purpose

The purpose of this policy is to provide JGU administrators, faculty and the students, and visitors to JGU (hereinafter referred as University Community) with standard guidelines & procedures for using copyrighted materials made available by the university for legitimate purposes of teaching, learning and research; and to obtain requisite permission wherever required as per the prevalent laws.

This policy emphasizes and promotes fair use of copyrighted material in print, electronic & multimedia forms irrespective of their source by means of reproduction through photocopying, printing, scanning, storage and further distribution.

4. Definitions

For the purpose of this policy document,

Copyright Regulations mean provisions of Copyright Act 1957, and rules made thereunder, and any provisions in any other law, such as Information Technology Act, relevant to the subject of this policy.

University Community means students, faculty, staff, administration, contractors, casual visitors, participants in short term courses, conferences and other similar events, who use the copyrighted resources being made available by the University or use the JGU infrastructure to access the copyrighted material anywhere in the world.

5. Scope

This Policy covers aspects of the compliance, including related aspects such as license and permissions, of copyright law by the JGU students, staff and faculty in the course of the University's normal activities of learning, teaching, research and outreach. This policy does not particularly cover management of copyright on the material produced by University Community or commissioned officially by JGU to be produced by third parties.

6. Basic framework of this policy

O. P. Jindal Global University's mission of teaching, research and public service can be facilitated by reproduction of copyrighted material. The Copyright Compliance Policy is based on the following basic propositions:

- a) The University promotes appropriate and legitimate use of copyrighted material by strictly complying with provisions of the Copyright Act, 1957.
- b) The University recognizes the need for copyright compliance, and makes reasonable efforts to put in place mechanisms such as procedures, training, and facilitations, for the University Community to understand and comply with the copyright regulations.
- c) It is emphasized that it may not be possible for the University to monitor each and every instance of the use of the copyrighted material, and therefore the University does not take responsibility for copyright infringements by the University Community beyond these mechanisms.

d) The University expects the University Community to minimize the risk of copyright infringement and if the intended use of the reproduced material does not meet the above standards to use copyright material, as described in Section 2 above, they possibly need to obtain permission from the copyright holder/ owner.

e) The University encourages the University Community to be liable itself, for fair use of copyrighted material in the course of valid JGU activities of teaching, learning & research or for private use.

7. Specific instances/ examples of fair use and protection from infringement

A. Classroom handouts and course-packs

- Reproduction of copyrighted material for coursepacks and classroom handouts including in digital form, is usually limited to students of that specific class and only for the duration of the course. There are two categories of classroom handouts, one that requires permission and one that does not.
- If the handout is a new work or unplanned or short-term, say for a semester/ quarter/ trimester etc., where it is not feasible to obtain permission in timely manner, the same can be reproduced and distributed without prior permission. However it is advisable to include a suitable acknowledgment in such course packs and handouts.
- If the handout is planned in advance and repeatedly use semester to semester, permission is expected to be obtained in advance from the copyright owner.
- If a classroom handouts and course packs is distributed in an electronic form through emails or other means, or made available for download or printing through a repository system such as 'Dspace', or through a Learning Management Systems to the students, it must be ensured through technological or other means that such material is accessible to the participants of that particular class only, and for the limited to the duration of that course.
- The following require permission to photocopying
 - All the assignments from a TEXTBOOK which is required to be purchased by the students;
 - Making copies of any material which is sold by the publisher for individual use of the students such as consumable workbooks, business cases, etc.
- Making and sharing a photocopy or scanned copy of a text book used by the students of a class will constitute an infringement of copyright, if is done by without prior permission, even if such book are out of prints or not easily available in the market. In such cases it is advisable either to obtain permission from the rights owner; or reproduce and distribute small portions of the book at a time. Reproduction of even small portion of the book for permanent use by faculty or students will constitute an infringement.
- Reproduction or circulation of material in public domain, for free download, can be done without prior permission. Similarly open access material made available for free download or reproduction under Creative Commons or similar licenses can also be reproduced and circulated with due acknowledgement.
- **Freely available resources on the Internet:** It must be understood that any material that is available freely on internet cannot always be treated in public domain, and thus available for free reproduction and circulation, in absence of any express permission or license. Efforts should be made to obtain prior permission to reproduce such material.

B. Publications authored by JGU Staff

The issue of use of any copyrighted material by a faculty/ student/ staff of JGU for the purpose of writing research paper, book, book chapter, conference papers or newspaper and magazine articles in his individual capacity shall be sole responsibility of such faculty/ student/ staff. The university shall not be responsibility of any infringement in such cases and shall be kept immune from any third party action, whether any resources including the library resources used to write the article. The authors from the JGU community are advised to take necessary precaution such as getting the paper checked for plagiarism, take prior approval of the rights owners and in case of rights owners are not known or cannot be contacted by making reasonable efforts, a suitable acknowledgement should be include in the article.

C. Contributions to JGU official publications, and conference etc.

- It is responsibility of the contributing authors, whether belonging to University Community or outside, to comply with the copyright law, and ethics of on plagiarism, while submitting manuscripts for official publications of JGU or publications commissioned by JGU such as books, journals, edited volumes, house journals, conference proceedings, or submitting papers for presentations in the conference organized by JGU.
- Editors of official publications or organizers of conferences do however take reasonable precautions by having originality check of such submissions before accepting the same for publication/presentation. Student research outcomes such as theses and dissertations are subject to university's anti-plagiarism policy and may checked for originality through automatic tools, such as Turn-it-in, before being accepted for the award of a degree, however, ultimate responsibility for plagiarism lies with the student author.
- Authors, contributors, and papers presenters by virtue of agreeing to contribute to JGU's official publications, and conferences etc., automatically agree to permit JGU to publish such contributions, even if there is no separate or express agreement has been entered between JGU and such contributors.

D. Library collection and services

It is permissible to photocopy or reproduction including digital reproductions of copyright-protected work without obtaining permission from the owner, under the following conditions:

- **Library Acquisitions:** Library will source its print material for its permanent collection only from lawful and authorized sources and take reasonable precautions not to acquire pirated material.
- **Reproduction of print resources:** Library may reproduce or allow its patrons to reproduce a copy of article or small part of any copyright-protected work, only for the teaching, learning, research, scholarship or for private use. However, it is not practicable to monitor the actual use of such reproductions by the library patrons. It is understood that while availing reprographic service of the library or elsewhere in the JGU Campus, the patrons have agreed to comply with the copyright regulations.
- **Out-of-Print Publications:** Where a publication is not available for acquisition for reasons of being out of print or restricted by the publishers or any regulatory body for sale in India and such publication is required by library patrons, library shall try to arrange same from other libraries on Inter Library Loan.
- **Photocopies of Books:** The library does not keep photocopied of the printed material or the print out of digital material either in part or full in its permanent collection unless a written permission has been obtain from the rights owner or the material is available in public domain or can be legitimately reproduce under a license. The Section 52 (o) of Copyright Act, 1956, is not applicable to JGU library for as it does not strictly fall under a provision of public library.
- **Digital Reproductions:** Any digital reproduction that is legitimately can be made as per law and terms of the

license must be kept within the confines of the library (that is, available on its computer but not placed on a public network.).

- **Copies of Multimedia and Computer Software:** Not more than one copy is made for the purpose of circulation or preservation from the original software (computer programme, video and other multimedia products)

E. Interlibrary loans and document supply

The Library obtains copies of copyrighted material such as journal articles or book chapters only from the sources which are authorized to distribute or sale such copies by levying a copyright fee or are exempted by the copyright owners.

The Library does not allow copying of the books which are borrowed from other libraries on Inter-library loan, except to the extent permissible under the copyright regulations

The Library does not charge any fee for the copies of the material which it subscribes to under a valid license, except reasonable

F. Distribution of electronic contents

- JGU as a vibrant teaching and research institution, subscribes to large amount of electronic information, such as journals, books, reports, newspapers, cases, etc., facilitates access to such contents through state-of-art computer and communication network to its community. The University recognizes the need to comply with the copyright compliance by its community while using the electronic contents
- All users of e-resources being subscribed by the university or otherwise provided access by the university for the purpose of teaching, learning and research shall abide by the terms of license governing the respective e-resources. The library which administers the subscription of e-resources will display a copy of respective license on its e-resources page for the benefit of the user. Any user who circumvents the technological measures implemented on e-resources platform for limiting reproduction and distribution of the contents. The University shall take reasonable measure to detect and prevent such violations.

G. Use of Reprographic Resources of JGU

- Reproduction of copyrighted material using the reprographic resources at the University, irrespective of the source of such material is subject to the copyright regulations, and users are themselves responsible for any infringement action.
- The University expects all its contractors provide various services to University Community to abide by all the laws, including copyright regulations. Therefore, operators of private reprographic facility within the campus, under a contract shall assume full responsibility for any infringement of copyright in the course of provision of such service.

H. Administration of copyright Compliance at JGU

- **Copyright Officer:** JGU will appoint a copyright officer to advice on copyright compliance issues, and arrange permissions where required and feasible
- Permission to use copyright-protected materials, when required, should be obtained prior to using those materials. It is best to obtain permission in writing (including e-mail) and to ensure that the JGU Copyright Officer has a copy of each permission form or letter (Annexure- I)

Copyright permission request

Title of the material

Creator/author of the material

Publisher of the material

Description of material

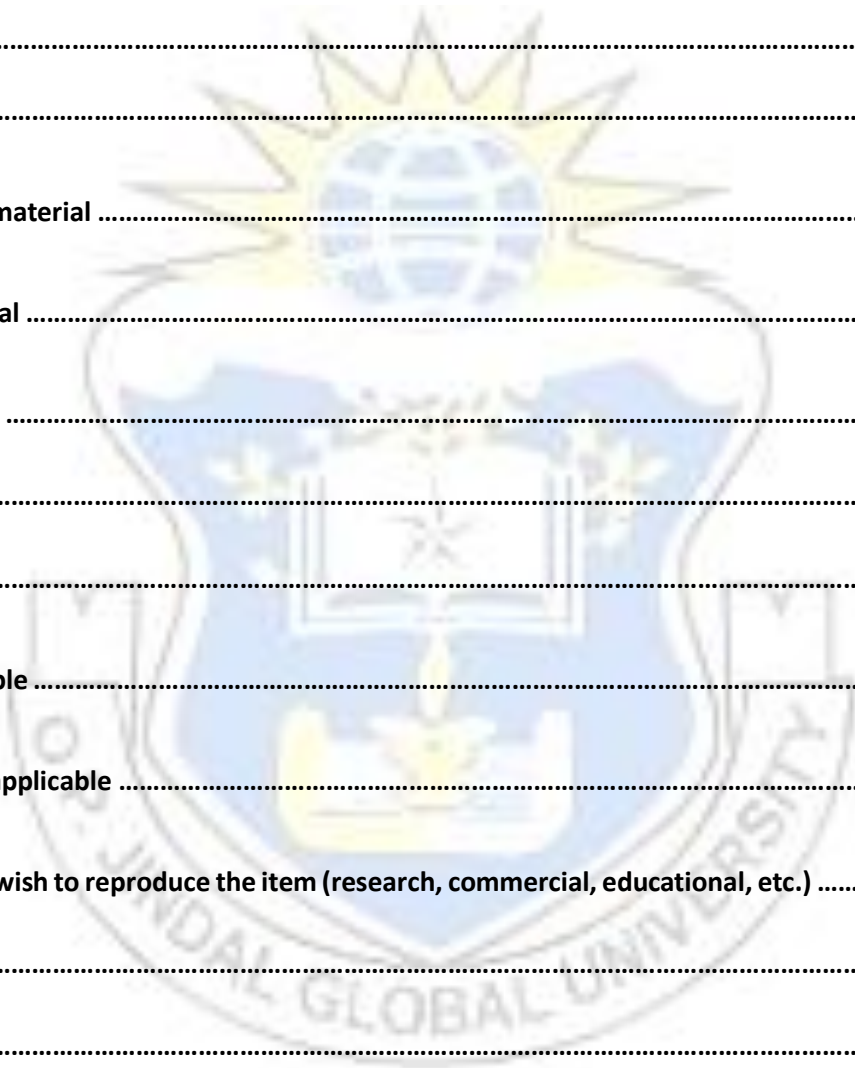
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Date of publication, if applicable

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Where the reproduced material will be used or will appear and for how long



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