

# HIGH PLAINS LIBRARY DISTRICT

## BOARD OF TRUSTEES COMMUNICATION

Meeting date: June 16, 2025
Type of item: Action
Subject: Copyright Policy Update
Presented by: Dr. Matthew Horts, Executive Director
Recommendation: No action needed, for information only

### ***About the Updated Policy***

Please review the following updated Copyright Policy. In this update, the following changes were made:

1. The policy was renamed to clarify that it covers both copyright and licensing agreements.
2. The policy now states the District's stance on content generated by artificial intelligence (AI).
3. The policy includes more complete information about the District's ability and limitations in reproducing content.
4. The section outlining the process for intellectual property owners to alert the District of potential copyright infringement as described in the Digital Millennium Copyright Act (DCMA) has been significantly shortened.

The detailed explanation of the information that the claimant has to provide has been moved to a new [Online Material Copyright Infringement Claim form](https://hpld.formstack.com/forms/online_material_copyright_infringement_claim) ([https://hpld.formstack.com/forms/online\\_material\\_copyright\\_infringement\\_claim](https://hpld.formstack.com/forms/online_material_copyright_infringement_claim)). The new form has been reviewed and approved by the District's legal counsel.

### ***Attached:***

- [Updated version with changes incorporated \(pages 2 – 4\)](#)
- [Updated version with changes shown \(pages 5 – 7\)](#)
- [New Digital Millennium Copyright Act \(DCMA\) Infringement Form \(pages 8 – 10\)](#)

## **Copyright & Licensing policy**

The High Plains Library District provides access to, uses, and creates works that have legal protections for the creators of those works through U.S. Copyright Law, licensing contracts, or patent or trademark registrations.

The District will not knowingly purchase nor actively support access to bootlegged, pirated, or otherwise stolen content. Use of Artificial Intelligence (AI) generated content is subject to District criteria.

### **Rights and responsibilities of those wanting to duplicate content**

Those wanting to copy, print, or otherwise duplicate works take personal responsibility to respect the rights of those who created them. Copyright details as outlined in copyright law under Title 17 of the United States Code are posted on library copiers/printers.

Those duplicating works assuming protection from “Fair Use” should know that they can be held liable for copyright infringement by the courts. To minimize risk, those copying materials under “fair use” should consider all of the following four factors:

- For what purpose is this being used? As an example, is the use for commercial purposes or nonprofit educational purposes?
- What is the nature of the work? It is not likely to be deemed fair use if it is someone else’s private correspondence or if it is widely available in a copyrighted form. The courts most strongly protect creative efforts such as fiction, music, poetry, feature films, and other creative works.
- What is the amount and the substantiality of the portion being copied? Copying a small piece of the work can be deemed not fair use if that piece was critical to the purpose of the work. Meanwhile, a satire can be protected even if it uses a large portion of the original work.
- What is the effect of the use upon the potential market for or value of the copyrighted work? If the work is widely available through market avenues and a substantial or pivotal portion of the work is wanted, it is best to purchase the work.

Fair use does not cover potential patent or trademark infringement. More information is available from the U.S. Copyright Office: <https://www.copyright.gov/fair-use/>

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be “used for any purpose other than private study, scholarship or research.” If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “fair use,” that user may be liable for copyright infringement.

The District reserves the right to refuse a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

### **Licensing protecting corporate interests**

Online content and data access are usually obtained through licensing contracts. Signing a contract or clicking on a button saying one “accepts” the terms and conditions may mean that the user has agreed to not have access to copyright exemptions, as the contract takes priority over law.

## **Licensing protecting library services**

The District does purchase Public Performance rights licenses for movie and music use in library spaces. In addition, the District maintains a collection of materials that are purchased for professional use, as physical items better align with the First Sale Doctrine of copyright law.

## **Intellectual property owners concerned about online content as copyright infringement**

Those who believe their intellectual property has been copied and posted online in a way that constitutes copyright infringement, please submit an [Online Material Copyright Infringement Claim form](#).

Please note that this procedure is exclusively for notifying the District that copyrighted material has been infringed and is intended to comply with the District's rights and obligations under the DMCA, 17 U.S.C. §512, but does not constitute legal advice. The complainant should contact an attorney regarding rights and obligations under the DMCA and other applicable laws.

Under Federal law, knowingly misrepresenting that material or activity is infringing may be subject to criminal prosecution for perjury and civil penalties, including monetary damages, court costs, and attorneys' fees.

## **District action on copyright infringement claims**

The High Plains Library District does not take responsibility for the public's actions.

If a complaint regards District use of content for the District's purposes, the complaint will be reviewed with the District's legal counsel to determine appropriate action.

If the District receives notice from our Internet service provider that their services are being used to steal the intellectual property of others, the District will make a best effort to block that person from accessing the services. The patron in question can work with the library to discuss options.

## **Related documents**

### *Websites:*

[U.S. Copyright Office, Copyright Law, Limitations on Fair Use](#)  
[Copyright Advisory Office at Columbia University, Fair Use](#)  
[Digital Millennium Copyright Act, 17 U.S.C. 512 \("DMCA"\)](#)  
[Online Material Copyright Infringement Claim](#)

### *Other policies:*

Scope of Collection policy  
Criteria for Collection policy  
Genealogy Collection policy  
Self-published Works policy  
Patron Rights and Responsibilities statement  
Internet Use policy  
Interlibrary Loan Policy

### *Procedures:*

Copyright procedure  
Photography and Video Recording procedure  
Art Accession form

<b>Policy History</b>	<b>Copyright</b>
2012 – Feb 12	Copyright is included in “Collection Development Statement.” Added that the District will operate within provisions of corporate licensing agreements (in addition to United States copyright laws.)
2019 – Sept 16	Major revision. Definition of fair use; steps when one believes District has violated copyright; what District does when there are public violations
2025 –	Major revision. Added information about Artificial Intelligence (AI). Clarified availability and limitations to reproducing content. Information on claiming infringement of online content shifted to new online form for reporting the claim. The new form was reviewed and approved by the District’s Legal Counsel.
Reviewed by	Executive Director, Associate Director of Public Services

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Those who believe their intellectual property has been copied and posted online in a way that constitutes copyright infringement, please submit an Online Material Copyright Infringement Claim form. ~~a High Plains Library District Comment, Suggestion or Question form. Please note in the form that this is for the Collection Resources Manager.~~

~~For a complaint to be valid under the Digital Millennium Copyright Act (DMCA), the following must be provided in writing:~~

- ~~• A physical or electronic signature of a person authorized to act on behalf of the copyright owner;~~
- ~~• Identification of the copyrighted work that is claimed to have been infringed;~~
- ~~• Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the library to locate the material;~~
- ~~• Information reasonably sufficient to permit the District to contact the complainant, such as an address, telephone number, and email address;~~
- ~~• A statement that there is a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and~~
- ~~• A statement made under penalty of perjury that the above information is accurate and that the complainant is the copyright owner or is authorized to act on behalf of the owner.~~

~~UNDER FEDERAL LAW, KNOWINGLY MISREPRESENTING THAT MATERIAL OR ACTIVITY IS INFRINGING MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR PERJURY AND CIVIL PENALTIES, INCLUDING MONETARY DAMAGES, COURT COSTS, AND ATTORNEYS' FEES.~~

Please note that this procedure is exclusively for notifying the District that copyrighted material has been infringed and is intended to comply with the District's rights and obligations under the DMCA, 17 U.S.C. §512, but does not constitute legal advice. The complainant should contact an attorney regarding rights and obligations under the DMCA and other applicable laws.

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## 1.0 Related documents

### Websites:

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- [Digital Millennium Copyright Act, 17 U.S.C. 512 \(“DMCA”\)](#)
- [Online Material Copyright Infringement Claim](#)
- [High Plains Library District – Comment, Suggestion or Question form](#)

### Other policies:

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Reviewed by	Executive Director, Associate Director of Public Services

# Top of Form

## Online Material Copyright Infringement Claim

This form is for those who believe their intellectual property has been copied or otherwise made available online in a way that constitutes copyright infringement. Upon notification, the High Plains Library District, in accordance to DMCA, 17 U.S.C.S. §512, shall:

- Review the material that is claimed to be infringing or subject to infringing activity; and
- Determine whether to remove or disable access to the item.

The District will notify the claimant of the action taken once a decision has been reached.

**IMPORTANT: UNDER FEDERAL LAW, KNOWINGLY MISREPRESENTING THAT MATERIAL OR ACTIVITY IS INFRINGING MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR PERJURY AND CIVIL PENALTIES, INCLUDING MONETARY DAMAGES, COURT COSTS, AND ATTORNEYS' FEES.**

**All sections of this form must be completed for the District to consider the request.**

For the complaint to be valid under the Digital Millennium Copyright Act (DMCA), the following information must be provided:

In the box below, enter the copyrighted work that is claimed to have been infringed. Provide sufficient information to permit the library to locate the originating material. \*

Required field

In the box below, enter the infringing material or the subject of infringing activity that is to be removed or have access disabled. Provide sufficient information to permit the library to locate the material. \*

In the box below, explain how the online content infringes upon the original work\*

Claimant's Name\*

First Name

Last Name

Claimant's Address\*

Address Line 1

Address Line 2

City

State

ZIP Code

Claimant's Phone Number\*

Claimant's Email Address\*

**Please confirm the following:**

This request is being made in a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

I do swear, under penalty of perjury, that the above information is accurate and that I am the copyright owner or am authorized to act on behalf of the owner.

Claimant's Signature\*

Use your mouse or finger to draw your signature above

If unable to use the signature box, please check the box below:

I am unable to enter a signature and swear the above information is accurate and that I am the copyright owner or am authorized to act on behalf of the owner

Claimant's Name\*

Or name of person authorized to act on behalf of the owner.

Date Submitted

Please note that this procedure is exclusively for notifying the District that copyrighted material has been infringed and is intended to comply with the District's rights and obligations under the DMCA, 17 U.S.C.S. §512, but does not constitute legal advice. The complainant should contact an attorney regarding rights and obligations under the DMCA and other applicable laws.

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Submit Form