

PORT EDWARDS PUBLIC SCHOOLS

Board of Education Policy

COPYRIGHTED MATERIALS

It is the policy of the School District of Port Edwards that students and staff will comply with Federal Copyright Law.

LEGAL REF.: U.S. Copyright Law Title 17
Public Law 96-517, Section 8(b)

CROSS REF.: 771.1 – Rule, General Requirements
771.1 – Exhibit, Notice

Adopted: 04/13/04

Reviewed:

Revised:

General Requirements

1. Making copies of copyrighted materials instead of purchasing that material is prohibited.
2. Except under "Fair Use", copying, performing, or transmitting copyrighted materials without permission from the copyright holder is prohibited.
3. District employees who violate the copyright law are liable for their own actions and subject to discipline.
4. Copyright notices will be placed on all district copying equipment.

Limitations on Exclusive Rights: Fair Use

Many provisions of the federal copyright law affect the educational uses of copyrighted materials, but the most generally applicable is Section 107 – Fair Use. "Fair Use" applies four basic standards that must be considered together when judging whether or not there has been a copyright infringement:

1. The purpose and character of use (Is the copying being done for commercial or educational purposes?)
2. The nature of the copyrighted work (Was the original work intended to be consumable, for example?)
3. The amount and substantiality of the portion used (How much is being copied? How important is the copied part to the entire work? How many copies are being made?)
4. The effect on the potential market for value of the work (Will the copyright owner suffer financial loss?)

Specific copyright guidelines for instructional materials

Print:

According to the concept of "Fair Use" as outlined above, a single copy of any of the following may be made by or at the individual request of a staff member for research or use in teaching:

- a chapter from a book
- an article from a periodical or newspaper
- a short story, short essay, or short poem, whether or not from a collective work
- a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper

Multiple copies (not to exceed more than one copy per student) may be made by or at the request of an individual staff member for classroom use provided that:

- copying meets the tests of "brevity and spontaneity"
- time does not allow for purchasing the material
- the material is used only once
- the copyright notice is printed on each copy of the material

Notwithstanding any of the above, the following shall be prohibited:

- copying of or from works intended to be "consumable" (workbooks, exercises, standardized tests, answer sheets, other consumable materials)
- copying to create or replace anthologies
- copying to substitute for the purchase of materials
- copying directed by a higher authority
- repeated copying of the same item by the same staff member from term to term
- more than nine instances of such multiple copying from one course during one class term

The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Audiovisual Materials:

The "Fair Use" criteria outlined above should be applied to each intended use before copying any audiovisual works (slides, audiotapes, CDs, DVDs, photography, etc.) for classroom use.

Video Recordings:

Copies of any of the following video recordings may be made by or at the individual request of a staff member for classroom use:

- "In house" productions
- works that are not copyrighted or works in the public domain
- copies made under "permission to copy" arrangements

The following programs may be copied off-air by or at the individual request of a staff member for classroom use:

- Instructional television programs (subject to the specific rights limitations)
- Broadcast programs provided they are used within ten (10) school days of the original broadcast
- Programs with specific "permission to copy" arrangements

Notwithstanding any of the above, the following shall be prohibited:

- copying from premium channels (HBO, Showtime, Cinemax, etc.) or non-broadcast channels (ESPN, The Disney Channel, MTV, Nickelodeon, Arts and Entertainment, etc.)
- duplicating copyrighted video recordings
- copying from one format to another
- copying off-air programs for the purpose of entertainment or reward

Rented or purchased "Home Use Only" video recordings may be used in the classroom as part of face-to-face instruction only. They may not be used for the purpose of entertainment or reward.

The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Computer Software:

Section 7(b) of Public Law 96-517 grants to the purchaser the right to copy a program if and only if:

- such copy is an essential step in the utilization of the program in conjunction with a machine
- the copy is for archival purposes

The following computer software may also be copied by or at the individual request of a staff member for classroom use:

- "In-house" productions
- works that are not copyrighted or are in the public domain

Notwithstanding the above, the following shall be prohibited:

- copying copyrighted programs on district equipment
- using illegal copies of copyrighted programs on district equipment
- purchasing programs designed primarily as "break and entry" tools with district, state, or federal funds
- booting single copies of copyrighted programs into more than one machine without authorization from the copyright holder
- using archival copies of software as additional copies

The regulations governing the copyrighted guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Music:

The "Fair Use" criteria outlined above and the guidelines under "fair use" for music should be applied to each intended use before copying any copyrighted music or musical works.

Permissible use includes:

- emergency copying to replace purchased copies which are unavailable for an imminent performance
- making copies of excerpts of works for academic purposes
- editing or simplifying purchased work provided that the fundamental character of the work is not changed

- making a single copy recording of a student performance
- making a singly copy of a copyrighted sound recording for the purpose of an aural exercise or examination

Notwithstanding the above, the following shall be prohibited:

- copying to create or replace anthologies
- copying of or from works intended to be consumables
- copying for the purpose of performance
- copying to substitute for the purchase of materials
- copying without the inclusion of the copyright notice

The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Libraries:

According to the provisions of Section 108 of the copyright law (Public Law 94-553, Title 17), a library or any of its employees acting within the scope of their employment may reproduce copies of print works and records under specific circumstances:

- purposes of preservation
- purposes of private study, scholarship, or research
- purposes of interlibrary loan

Notwithstanding any of the above, the following shall be prohibited:

- copying for direct or indirect commercial advantage
- systematic reproduction for distribution of single or multiple copies
- copying to substitute for a subscription to a work or the purchase of a work

The proviso under Section 108 for interlibrary loan must include the notice of copyright.

A library that requests reproduction of print or records via interlibrary loan must make certain that its requests conform to the national Commission on New Technological Uses of Copyrighted Works (CONTU) guidelines and must maintain records of its request for the required number of years.

Libraries must display prominently, at the place where requests for reproductions are accepted, a warning that copying will be done in accordance with the copyright law. Reproducing equipment on the premises must display the proper notice that the making of a copy may be subject to the copyright law.

The following notice will be prominently posted in the place where requests for reproductions are accepted and on reproducing equipment on the premises:

**It is the policy of the Port Edwards
School District to comply with all
Federal Copyright Laws**

If in doubt, do not copy.