

## COPYRIGHT COMPLIANCE

All employees should become familiar and comply with provisions of the Copyright Act of 1976 and Digital Millennium Copyright Act of 1998. Teachers posting content online should also be familiar with the TEACH Act of 2002. Employees should also be aware that while there are some "fair use" provisions, especially those that apply to educational use, there are also specific restrictions on the reproduction, distribution, performance, or display of copyrighted materials. Employees should also be aware that a specific copyright statement attached to a work supersedes copyright law for that work.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

- A. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship.
- B. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: book chapters for use in research, instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines.
- C. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use; copying a small portion may be allowed within certain limits.
- D. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and distributing multiple copies presents the danger of greater penalties.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of district staff to abide by the requirements of the law. It is unethical to ask any employee, student or school volunteer to copy or reproduce copyrighted materials without written permission of the copyright owner. District equipment is not to be used for making illegal copies.

Following are some of the most notable restrictions on the use of copyrighted materials when permission has not been granted.

#### Television/Video and Audio

A videotape marked "For Home Use Only" may be used in school only in a regular instructional situation by a classroom teacher in a face-to-face setting to meet an instructional objective. It may not be used for entertainment, filler, or any other purpose without prior permission of the copyright owner. Off-air recording of a broadcast program available to the general public without charge is permissible only if used by a classroom teacher for classroom instructional purposes. Taping from "pay" channels, e.g., HBO, Cinemax, etc., is prohibited.

It is permissible to record broadcast programs and retain them for up to 45 days under the following specific "Fair Use Guidelines." A recording may be shown to students in an instructional situation two times within ten school days of the broadcast date. The second showing must be for reinforcement only. If you are seeking written permission from the copyright owner to keep and use the program in teaching/learning activities, the recording may be retained an additional 35 days. If permission is not granted, the tape must be erased. Schools may not build library collections of off-air recordings without permission of copyright owners.

Off-air recordings may be made only at the request of and for use by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program is broadcast.

It is not legal to make a "shelf" or archival copy of any video or audiovisual material or duplicate any material on another format without written permission from the copyright owner.

#### Computer Software

- The use of illegally copied computer software in schools or offices is prohibited.
- Software licensing agreements of copyright holders must be observed.
- Multiple loading of software is prohibited, unless written permission has been obtained or the software is advertised as multiload.
- Use of software on a networked computer system is prohibited, unless written permission is obtained or the networked version is used.
- All software purchased for classroom and office use must remain on school premises.

#### Print/Graphics

- The reproduction of copyrighted, consumable materials such as workbooks, activity sheets, etc., is specifically prohibited by the copyright law.
- One copy only may be made for a transparency for classroom instructional use.
- For research use only, a single copy may be made of copyrighted materials, including out-of-print materials, such as a poem, a chapter from a book or a periodical article.
- Copyrighted comic strip or cartoon characters may not be reproduced or altered for use on bulletin boards, hallways, cafeteria walls, publications, etc.

- A student may use a computer scanned, copyrighted image in a report, but the student must retain ownership of the report once it is graded. The teacher may not make a copy, nor retain the student copy. If it is used in a multi-media presentation, it may only be used for the one class for which it was made, unless permission is sought and granted.

### Music/Theatre

- Copyrighted music recordings may not be reproduced from any source. This includes, but is not limited to, downloading copyrighted material from the Internet to individual computers or compact discs.
- Copyrighted music recordings may be used as background for a media presentation only if the presentation is required for instructional purposes, and not for entertainment.
- Sheet music or plays may be copied only if a purchase order for the materials has been issued, but the materials have not yet been received. Once the purchased materials are received, all other copies must be destroyed.
- Music or plays may not be recorded from a broadcast.
- Royalties must be paid, as specified by the publisher, for the public performance of copyrighted plays or music.

Employees are expected to comply with copyright law and to impress upon students the importance of observing copyright provisions. Each library media specialist has received a copy of Copyright for Schools; A Practical Guide, 4th Edition by Carol Mann Simpson, Worthington, Ohio: Linworth Publishing, 2005. If there are questions concerning use of copyrighted materials, this reference or other authoritative sources should be consulted.