**Copyright Procedures**

Copyright laws afford protection to authors and/or creators of original works that are created in various mediums of expression. Works and materials protected by copyright law shall only be used to the extent authorized by law, Board Policy No. 2110, and these procedures. It is the responsibility of each District employee to ensure that their actions comply with federal copyright law, Board Policy No. 2110, and these procedures. Employees who have questions regarding whether a particular activity may infringe upon a copyright or copyright issues generally should consult their administrator.

Violating a copyright can carry penalties. Innocent infringements (i.e., infringement without intent) can result in statutory damages from the hundreds to the thousands of dollars. Willful infringements (i.e., intentionally infringing upon a copyright) can carry monetary damages in the tens of thousands of dollars per copyright violated.

# Periods of Copyright Protection

The following is a guideline for the period of copyright protection:

* For works created on or after January 1, 1978, the work is protected for the life of the author plus 70 years.
* For anonymous works and works created by an employee at the request of his/her employer, the work is protected from the year of publication plus 95 years or the year of creation plus 120 years, whichever expires first.
* For works published between 1964 and 1977, the work is protected for 95 years after the publication date.
* For works published between 1923 and 1963, the work is protected for 95 years from the date of publication if the author applied for a renewal of the copyright.
* Any work for which the copyright has expired or was published prior to 1923 is in the public domain. Works which have fallen into the “public domain” are available for use without permission from or payment to the copyright owner.

# Categories of Copyrights

Copyrighted works or materials fall into various categories, including but not limited to, the following:

* Literary Works
* Musical Works (including accompanying words)
* Dramatic Works (including accompanying music)
* Pantomimes and choreographic works
* Pictorial, graphic and sculptural
* Motion pictures and audio-visual works
* Sound recordings
* Digital Media (including software)

**Fair Use**

There are certain circumstances under which it is permissible to reproduce or display copyrighted works and materials without the permission of the owner. The most common and most applicable in the education setting is the doctrine of “Fair Use.” Under “Fair Use,” 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:

* 1. *The purpose and character of the use.* Use for teaching/instruction or scholarship is permitted under limited circumstances.
  2. *The nature of the copyrighted work.* Single copies may be made under limited circumstances.
  3. *The amount and substantiality of the portion used*. Copying of complete works is not generally permitted.
  4. *Effect of the use upon the potential market for or value of the copyrighted work.* Economic loss to the copyright holder may even further restrict the ability to use the work.

***“Fair Use” Guidelines for Teachers for Classroom/Instructional Purposes***

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| **Materials in Print – Single Copy** |

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| |  | | --- | | **PERMITTED**   * chapter of book * article from magazine or newspaper * short story, short essay, short poem * chart, graph, diagram, picture or non-syndicated, non-copyrighted cartoon from book, magazine, or newspaper * use in overhead or opaque projectors | | |  | |  | | --- | | **NOT PERMITTED**   * copying several chapters per book * copying several articles per magazine * copying consumables: workbooks, copyrighted exercise sheets, tests, answer sheets * photocopying worn dittomasters | |
| **Materials in Print – Multiple Copies** | | |

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| |  | | --- | | **PERMITTED** (provided additional requirements stated below are followed)   * complete poem less than 250 words (not more than 2 pages) * excerpt from long poem not to exceed 250 words * article, story, or essay less than 2,500 words * excerpt of article, story, or essay less than 1,000 words or 10% of total, whichever is less (the numerical limit may be expanded to permit the completion of an unfinished line of poetry or a paragraph of an article, story, or essay) * one chart, graph, diagram, picture, or non-syndicated, non-copyrighted cartoon per book or periodical * works combining prose, poetry, etc., less than 10% of whole   **AND THE TEACHER MUST COMPLY WITH THE FOLLOWING:**   * + notice of copyright ( © ) with attribution of author included   + copying is for one course only   + copying is at the inspiration of the individual teacher and the decision to use the material so close to the date needed for instruction as to preclude securing copyright permission from the copyright holder   + one work from a single author   + less than 3 authors from collective work   + 9 or less instances of multiple copying per term   + copying not used to create or replace anthologies   + same copying not repeated next term   + students not charged beyond photocopying fees * classroom quantities of current news articles if individual articles are not copyrighted | |  | |  | | --- | | **NOT PERMITTED**   * using/making multiple copies of same material semester after semester * creating "anthologies" * copying workbooks and other works meant to be used once by one student * copying shall not be directed by higher authority * copying more than one or two excerpts from a single author during one class term * copying from workbooks, tests, answer sheets, or other consumables * copying a blacklined master. * as substitute for purchasing the materials * “special” works cannot be reproduced in full; including children's books combining poetry, prose or poetic prose. Short special works may be copied up to two published pages containing not more than 10% of the work. | |

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| **Big Books** |

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| |  | | --- | | **PERMITTED**   * one illustration per book * two pages per book as long as they don’t comprise more than 10% of the book * **Note**: Occasionally publishers of big books have given the District permission to copy that exceeds the normal fair use guidelines. Any letters granting additional permission will be kept on file by the library information specialist. | |  | |  | | --- | | **NOT PERMITTED**   * copying "just" the text from a big book or picture book * making an audio-tape of someone narrating a big book or picture book | |

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| **Audiovisual Materials** |

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| |  | | --- | | **PERMITTED**   * creating slide sets from books, magazines, etc., as long as only one per source used * making one overhead transparency of one page of one workbook * converting a damaged filmstrip to a slide set, keeping same order minus damaged frames * enlarging a map with an opaque projector for tracing but not duplicating color scheme, symbols, etc. * copying non-dramatic literary, audiovisual works for use by blind or deaf individuals | |  | |  | | --- | | **NOT PERMITTED**   * copying audio tapes or video tapes for archival or backup purposes * reproducing musical works or converting from one form to another (record to cassette) * copying any audiovisual work in its entirety (except off-air taping) * converting from one medium format to another * recording the text of a book or textbook onto an audiocassette | |

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| **Music** |

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| |  | | --- | | **PERMITTED**   * emergency copies for performance provided copies are later purchased * for study or teaching, single or multiple copies of excerpts   + **IF.....**     - excerpts do not constitute a performable unit such as a movement or aria * editing purchased copies for simplification   + **IF.....**     - character of work is not changed     - lyrics are not changed * single copy of performances by students made for evaluation or rehearsal purposes * copy of recording for purposes of aural testing * portion of commercial music played as background in student media production | |  | |  | | --- | | **NOT PERMITTED**   * copying for performances * copying to create anthologies * copying to avoid purchasing * copying but excluding copyright notice * performing a work without a license or paying royalty fees | |

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| **Video (Educational/Instructional OFF-AIR Taping)** |

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| |  | | --- | | **PERMITTED**   * may record program OFF-AIR * **IF.....**   + program is used for instructional purposes, or face-to-face teaching, not for entertainment or filler   + program is requested by a teacher   + program is shown once and repeated once per class by individual teacher during first 10 consecutive school days after broadcast   + program is not retained beyond 45 calendar days   + program is recorded in its entirety (need not be used in its entirety)   + after first 10 consecutive school days, program is used only for evaluation by teacher | |  | |  | | --- | | **NOT PERMITTED**   * videotaping in anticipation of requests * retaining a program longer than 45 days * showing a program after ten days * showing for motivation, filler, or entertainment purposes * taping a program at home, using in the classroom, and subsequently retaining in personal collection | |

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| **Video (OFF-AIR Taping at Home)** |

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| |  | | --- | | **PERMITTED**   * may tape program at home and bring to school to use but all educational guidelines must be followed * may show "home" tape if above criteria are followed and if tape legally made | |  | |  | | --- | | **NOT PERMITTED**   * individual who taped program may not retain it | |

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| **Video (Cable)** |

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| |  | | --- | | **PERMITTED**   * may tape programs being simultaneously broadcast (see OFF-AIR educational/ instructional guidelines) * may show videos or motion pictures via cable within a building as long as programs are used in face-to-face teaching and are of an instructional nature | |  | |  | | --- | | **NOT PERMITTED**   * may not tape programs not being broadcast simultaneously (CNN, Discovery, Disney, HBO, etc.) unless prior approval or license obtained from cable network * may not show programs of a musical, dramatic, or entertainment nature * may not copy cable or satellite programs without permission.  Note:  Educators may use cable magazines, like Cable in the Classroom for varying copying/retention rights of individual programs. | |

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| **Video (purchased or rented)** |

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| |  | | --- | | **PERMITTED**   * showing purchased or rented videotape for curriculum-supported, face-to-face teaching activities | |  | |  | | --- | | **NOT PERMITTED**   * showing purchased or rented videotape for entertainment, rewards, rainy days, filler, or non-instructional purposes. * **Note:** Performance rights may be acquired at time of purchase; then it’s legal to show such videos for non-instructional events. | |

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| **Video (Satellite Transmissions)** |

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| |  | | --- | | **PERMITTED**   * copying from a satellite transmission will depend on the contractual agreement with the satellite company. | |  | |  | | --- | | **NOT PERMITTED**   * copies of motion pictures, other AV works, choreographic works and pantomimes * copies of broadcasts that are of a “general cultural nature” or intended for transmission as part of an information storage and retrieval system | |

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| **Software** |

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| |  | | --- | | **PERMITTED**   * a backup copy may be made if the program is lost or damaged if a vendor is not able to provide a copy for purchase * **IF ….**   + attest that program will only be used for replacement of lost or damaged program | |  | |  | |  | | --- | | **NOT PERMITTED**   * “networking” software without license or permission * loading a single copy of a software program onto several computers for simultaneous use * making copies of copyrighted software for student use * using backup for any other purposes than replacement | |

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| **Databases** |

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| |  | | --- | | **PERMITTED**   * may download searches | |  | |  | | --- | | **NOT PERMITTED**   * downloaded searches should not be retained * downloaded material may not be used to create a derivative work | |

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| **CD-ROM** |

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| |  | | --- | | **PERMITTED**   * printing out pages of reference or other works for study or teaching | |  | |  | | --- | | **NOT PERMITTED**   * printing out large section of work | |

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| **Musicals, Dramatic, and Non-Dramatic Performances** |

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| |  | | --- | | **PERMITTED**   * when part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner. * When performing nondramatic musical works   + **IF….**     - performance is not for a commercial purpose;     - none of the performers, promoters or organizers are compensated; and     - admission fees are used for educational or charitable purposes only. | |  | |  | | --- | | **NOT PERMITTED**   * performing copyrighted dramatic work outside of classroom/instructional setting for entertainment purposes * school drama club performing copyrighted play broadcast over cable to classes * recording of choral or instrumental concerts and then giving or selling recording to parents | |

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| **Multimedia** |

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| |  | | --- | | **PERMITTED**   * teacher or student-developed multimedia program of copyrighted programs for use in classroom only * **Note:**  Students may keep their work indefinitely; teachers may keep their work for only two years. * **IF:  the following limitations are observed:**    + Motion media     - use of up to 10% or 3 min., whichever is less, of an individual program   + Text     - up to 10% or 1000 words, whichever is less; short poems less than 250 words may be used in their entirety;   + Music     - Up to 10% but no more than 30 sec. From a single work (or combined from separate extracts of a work);   + Illustrations, cartoons, photographs     - no more than 5 images from a single artist or photographer, no more than 10% or 15 images from a single collective work;   + Numerical data sets     - up to 10% or 2,550 fields or cells whichever is less | |  | |  | | --- | | **NOT PERMITTED**   * teacher or student-developed multimedia program of copyrighted works for use in displays, festivals, parent meetings or other public events | |

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| **Internet** |

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| |  | | --- | | **PERMITTED**   * downloading public domain software   **NOTE:** Materials on the Internet should be used with caution since they may be copyrighted. | |  | |  | | --- | | **NOT PERMITTED**   * uploading copyrighted software to Internet for downloading * collecting materials off the Internet and compiling into a new work * forwarding material off the Internet to friends, co-workers | |

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| **Digital** |

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| |  | | --- | | **PERMITTED** | |  | |  | | --- | | **NOT PERMITTED**   * digitizing a copyrighted slide collection * scanning copyrighted materials (magazine photograph, cartoon illustration, etc.) for school newspaper | |

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| **Graphics** |

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| |  | | --- | | **PERMITTED**   * one graphic per book or periodical; * multiple copies of a single graphic   + **IF...**     - copying is at the instance/inspiration of teacher;     - copy is for only one course in the school;     - there are not more than nine occurrences of multiple copying for that course; and not more than one graphic is copied per book or periodical. | |  | |  | | --- | | **NOT PERMITTED**   * adaptation of a popular cartoon character for the school mascot; * copying an image from a coloring book for a worksheet; * making stuffed animals of popular picture book characters; * scanning a cartoon into school newsletter; | |

***When using any works or materials under “Fair Use,” proper attribution (author, title, publisher, place and date of publication) must always be given.***

# Copying and use of Digital Materials - Digital Millennium Copyright Act

# Fair use does not permit posting a student or teacher's work on the Internet if it includes portions of copyrighted materials. Permission to use the copyrighted material must be obtained from the original copyright holder(s) before such projects are placed online.

Students may incorporate portions of copyrighted materials in producing educational multimedia projects for a specific course, and may perform, display or retain the projects in the classroom.

Teachers may perform or display their own multimedia projects to students in support of curriculum-based instructional activities. These projects may be used:

* + - In face-to-face instruction;
    - In demonstrations and presentations, including conferences;
    - In assignments to students;
    - For remote instruction if distribution of the signal is limited;
    - Over a network that cannot prevent duplication for fifteen days, after fifteen days a copy may be saved on-site only; or
    - In their personal portfolios.

Teachers may use copyrighted materials in a multimedia project for two years. After that time period expires, permission from the copyright holder must be requested and granted.

# Computer Software

Software programs carry copyright protections under the law and usually also in usage agreements. To ensure compliance with federal copyright law and usage agreements incorporated into the purchase of software, employees shall abide by the following:

* All copyright laws and publisher license agreements between the vendor and the district shall be observed; and
* Employees shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

# District Copyrighted Materials

The District is entitled to hold copyright protection for works or materials developed by District employees and at District expense, are reasonably related to the subject of the author’s employment, and/or the employee was “hired to develop” (i.e., employed to work on specific projects or develop ideas underlying an invention or discovery). This is called “works made for hire.” The District reserves the right to federally register such materials or works and to license the use of such materials or works under any terms that the District deems advisable.

Employees may make copies of copyrighted District materials upon one of the following conditions:

* Permission is expressly provided by authorized District representatives when the original materials are distributed;
* Permission is expressly provided on the district website in which the materials are distributed;

Employees who have questions about making copies of District copyrighted materials may contact their administrator.

# Library Copying

A school library may make a single copy or three digital copies of:

* An unpublished work which is in its collection.
* A published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that unused replacement cannot be obtained at a fair price.
* A work that is being considered for acquisition, although use is strictly limited to that decision. Technological protection measures may be circumvented for purposes of copying materials in order to make an acquisition decision.

A school library may provide a single copy of copyrighted material to a student or employee provided it does not charge more than the actual cost of photocopying. The copy must be limited to one article of a periodical or a small part of other material, unless the library staff finds that the copyrighted work cannot be obtained elsewhere at a fair price. If the work cannot be obtained elsewhere at a fair price, the entire work may be copied. All copies made pursuant to the restrictions listed in these procedures must contain the notice of copyright. The library staff must also notify the student or employee that the copy is to be used only for private study, scholarship or research. Any other use may subject the person to liability for copyright infringement. At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated under “Fair Use” in the “Materials in Print” sections above.