

COPYRIGHT

1.0 General. It is the intent of the District to respect all aspects of copyright law including, but not limited to, that which applies to print media, computer software, online material, audiovisual materials, and music. All District employees must adhere to the law, rules, and regulations concerning the use of copyrighted materials. Legal or insurance protection of the District may not be available to employees who violate copyright law. School personnel shall direct questions concerning copying that do not fall within the guidelines to the Director of Instructional Technology and Library Services or to General Counsel.

2.0 Allocation of Responsibilities. Although copyright compliance is the responsibility of each staff member, the Superintendent delegates specific duties in the following ways:

2.1 It is the responsibility of the Director of Instructional Technology and Library Services, in conjunction with General Counsel, to update, communicate, implement and monitor the copyright policy, procedures, and guidelines. To ensure the effectiveness of policies and procedures, the Director of Instructional Technology and Library Services shall establish and maintain:

2.1.1 Guidelines for asserting copyright for District-developed materials;

2.1.2 Guidelines for staff in the use of copyrighted materials (“District Guidelines”); and

2.2 It is the responsibility of each school principal in collaboration with the teacher librarian to schedule an annual review of the copyright policy, procedures and guidelines at a school staff meeting.

2.3 It is the responsibility of staff members to be familiar with and respect copyright, to consider whether specific uses of copyrighted material qualify as fair use, to instruct and assist students in respecting copyright and applying fair use analysis to student work.

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3.0 General Information Concerning Copyright Protections.

3.1 Copyright laws protect exclusive rights given to copyright holders that include reproduction, adaptation, distribution, performance, and display.

3.2 Copyright protection exists at the moment an author creates a work in a fixed form. Registration of a copyright is not necessary.

3.3 Copyrighted works include literary works; music works; dramatic works; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; computer programs; and architectural works.

3.4 Copyrighted works do not include ideas, facts, slogans, symbols, procedures, methods, and systems. Works published by the U.S. Government are not protected by copyright, unless a notice indicates otherwise. Works in the public domain are not protected.

3.5 Staff and students are encouraged to use resources from purchased databases licensed by the District. When using material from the internet, staff members and students are encouraged to seek out works in the public domain or licensed for public use, such as through the creative commons license.

4.0 Fair Use.

4.1 The “Fair Use” provision in The Copyright Act allows for some uses of copyrighted materials without obtaining permission. Fair Use of copyrighted works for the purpose of criticism, comment, news reporting, teaching, scholarship, or research is not an infringement of copyright. The concept of “Fair Use” is strictly interpreted. Copyright law states that in determining whether or not a particular circumstance constitutes “Fair Use,” all four of the following factors must be considered:

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4.1.1 The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes, or whether such use is transformative;

4.1.2 The nature of the copyrighted work;

4.1.3 The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

4.1.4 The effect of the use on the potential market for, or value of, the copyrighted work.

4.2 The District Guidelines will address how these factors may be applicable in circumstances that typically arise in an educational setting.

4.3 Internet/Online Resources: The Copyright Act protects content on the Internet equally with works of authorship fixed in another tangible medium.

4.4 Even if a particular use is determined to be fair use, credit for the copyrighted portion should always be attributed to the copyright holder.

5.0 Permission to copy/use copyrighted works.

5.1 In the event educators determine that use of some works will not be considered "Fair Use," it is necessary to obtain permission from the holder of the copyright to use the work.

LEGAL REFERENCES:
17 U.S.C. § 101 *et seq.*