

COPYRIGHT GUIDELINES

I. Limitations on Exclusive Rights: Fair Use

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

- A. The purpose and character of the use (Is the copying being done for commercial or educational purposes?)
- B. The nature of the copyrighted work (Was the original work intended to be consumable?)
- C. 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?)
- D. The effect on the potential market for or value of the work (Will the copyright owner suffer financial loss?)

II. Specific Copyright Guidelines for Instructional Materials

A. Print

- 1. 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. A chapter from a book,
 - b. An article from a periodical or newspaper,
 - c. A short story, short essay, or short poem whether or not from a collective work, or
 - d. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.
- 2. 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:
 - a. Copying meets the tests of "brevity and spontaneity,"
 - b. Time does not allow for purchasing the material,
 - c. The material is only used once, and
 - d. The copyright notice is printed on each copy of the material.

Copyright Guidelines (continued)

II. Specific Copyright Guidelines for Instructional Materials (continued)

A. Print(continued)

3. Notwithstanding any of the above, the following is prohibited:
 - a. Copying of or from works intended to be "consumable":
 - i. Workbooks
 - ii. Exercises
 - iii. Standardized Tests
 - iv. Answer Sheets, and
 - v. Consumable Materials;
 - b. Copying to create or replace anthologies;
 - c. Copying to substitute for the purchase of material;
 - d. Copying directed by a higher authority;
 - e. Repeated copying of the same item by the same staff member from term to term and
 - f. More than nine instances of such multiple copying for one course during one class term.
4. The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

B. Audio-Visual Materials

1. The "Fair Use" criteria outlined above should be applied to each intended use before copying any audio-visual works (slides, filmstrips, audiotapes, records, copy photography, etc.) for classroom use.
2. The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

C. Video Recordings

1. Copies of any of the following video recordings may be made by or at the individual request of a staff member for classroom use:
 - a. "In house" productions,
 - b. Uncopyrighted works or works in the public domain, and
 - c. Copies made under "permission to copy" arrangements.
2. The following programs may be copied off-air by or at the individual request of a staff member for classroom use.
 - a. Instructional television programs (subject to the specific rights limitations),
 - b. Broadcast programs provided they are used within 10 school days of the original broadcast, and
 - c. Programs with specified "permission to copy" arrangements.

Copyright Guidelines (continued)

C. Video Recordings(continued)

3. Notwithstanding any of the above, the following shall be prohibited:
 - a. Copying from premium channels (HBO, The Disney Channel, Showtime, Cinemax, etc.) or nonbroadcast channels (ESPN, MTV, Nickelodeon, Arts and Entertainment, etc.),
 - b. Duplicating copyrighted video recordings,
 - c. Copying from one format to another (16mm to videotape, Beta to VHS, disc to videotape, etc.), and
 - d. Copying off-air programs for the purpose of entertainment or reward.
4. 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.
5. The viewing of video recordings with "Public Performance Rights" is not restricted.
6. The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

D. Computer Software

1. Section 7(b) of Public Law 96-517 grants to the purchaser the right to copy a program if and only if:
 - a. Such a copy is an essential step in the utilization of the program in conjunction with a machine or
 - b. The copy is for archival purposes.
2. The following computer software may also be copied by or at the individual request of a staff member for classroom use:
 - a. "In house" productions and
 - b. Uncopyrighted works or works in the public domain.
3. Notwithstanding the above, the following shall be prohibited:
 - a. Copying copyrighted programs on district equipment,
 - b. Using illegal copies of copyrighted programs on district equipment,
 - c. Purchasing programs designed primarily as "break and entry" tools with district, state or federal funds,
 - d. Booting single copies of copyrighted programs into more than one machine without authorization from the copyright holder, and
 - e. Using "archival" copies of software as additional copies.
4. Staff members shall also adhere to state law provisions concerning the copying of data, computer programs, or supporting documentation.
5. The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

Copyright Guidelines (continued)

E. Music

1. 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.
2. Permissible uses include:
 - a. Emergency copying to replace purchased copies which are unavailable for an imminent performance,
 - b. Making copies of excerpts of works for academic purposes,
 - c. Editing or simplifying purchased works provided that the fundamental character of the work is not changed,
 - d. Making a single copy recording of a student performance, and
 - e. Making a single copy of a copyrighted sound recording for the purpose of an aural exercise or examination.
3. Notwithstanding the above, the following shall be prohibited:
 - a. Copying to create or replace anthologies,
 - b. Copying of or from works intended to be consumable,
 - c. Copying for the purpose of performance,
 - d. Copying to substitute for the purchase of material, and
 - e. Copying without the inclusion of the copyright notice.
4. The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

F. Libraries

1. According to the proviso 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 phonorecords under specific circumstances:
 - a. Purposes of preservation,
 - b. Purposes of private study, scholarship or research, and
 - c. Purposes of interlibrary loan.
2. Notwithstanding any of the above, the following shall be prohibited:
 - a. Copying for direct or indirect commercial advantage,
 - b. The systematic reproduction for distribution of single or multiple copies, and
 - c. Copying to substitute for a subscription to a work or the purchase of a work.
3. The proviso under Section 108 does not apply to musical, pictorial, graphic, sculptural, motion picture, or audio-visual works.
4. Copies made under the proviso of Section 108 for the interlibrary loan must include the notice of copyright.
5. A library that requests reproductions of print or phonorecords 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 requests for the required number of years.

Copyright Guidelines (continued)

F. Libraries(continued)

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

Legal Reference: PL 94-553

Adopted: December 16, 1992