

COPYRIGHT LAWS

The duplication of materials covered by an exclusive copyright is subject to the specific guidelines and protection for copying for educational use which accompany the copyright revision law. All faculty and staff members shall review and understand the law's provisions and guidelines.

The Copyright Act addresses the rental and purchase of videos, DVD's, etc. for classroom use. School principals should review this information annually with their school staff. Administrators shall periodically remind and advise staff members concerning the standards of educational fair use.

Definition

"Fair use" of materials for certain purposes is not an infringement of copyright. These purposes include "... criticism, comment, news reporting, teaching (including multiple copies for classroom use), and scholarship or research." However, the use of copyrighted materials is limited.

Printed Materials

A. Single Copies for Teachers

A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class.

1. A chapter from a book
2. An article from a periodical or newspaper
3. A short story, short essay or short poem, whether or not from a collected work
4. A chart, graph, diagram, drawing, cartoon, picture from a book, periodical or newspaper

B. Multiple Copies for Classroom Use

Multiple copies (not to exceed more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that the copying meets the following conditions:

1. Poetry: A complete poem if fewer than 250 words and if printed on not more than two pages.
2. Prose: A complete article, story or essay of fewer than 1,000 words or 10% of the work, whichever is less.
3. One chart, graph, diagram, drawing, cartoon, or picture per periodical or book.
4. All of the preceding must bear the copyright notice.
5. The copying meets the test of spontaneity:
 - a. The copying is at the instance and inspiration of the individual teacher.
 - b. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.
6. The copying meets the test of cumulative effect:
 - a. The copying of the material is for only one course in the school in which the copies are made.

Policy 4310 Continued

- b. Not more than one short poem, article, story, essay or two excerpts may be copied from the same collective work or periodical volume during one class term.
 - c. There shall not be more than nine instances of such multiple copying for one course during one class term.
- C. Prohibitions Related to A and B:
- 1. Copying shall not be used to create, replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.
 - 2. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets, and answer sheets and like consumable material.
 - 3. Copying shall not:
 - a. Substitute for the purchase of books, publishers' reprints, or periodicals.
 - b. Be directed by higher authority.
 - c. Be repeated with respect to the same item by the same teacher from term to term.
 - 4. No charge shall be made to the student beyond the actual cost of the photocopying.
 - 5. Copyrighted, syndicated cartoon characters may not be photocopied.

Audio Visual Materials

- A. Television/Video Programs
- 1. Any program that is broadcast may be copied for use by a teacher. The following restrictions apply:
 - a. The videotape may be shown in class during the 10 school days following the broadcast.
 - b. The teacher may maintain the tape for 45 calendar days following the broadcast to be reviewed by the teacher.
 - c. The tape must then be erased.
 - d. If the library media specialist tapes the program for a teacher, the teacher must request the videotaping.
 - e. Recording the program a second time for a teacher is prohibited.
 - 2. Videotapes cannot legally be used as entertainment or rewards for students.
- B. In-Classroom Use of Videotape
- In-classroom performance of a copyrighted videotape is permissible under the following conditions:
- 1. The performance must be by instructors (including guest lecturers) or by pupils; and
 - 2. The performance is in connection with face-to-face activities; and
 - 3. The entire audience is involved in the teaching activity; and
 - 4. The entire audience is in the same room or same general area; and
 - 5. The teaching activities are conducted by a non-profit educational institution; and
 - 6. The performance takes place in a classroom or similar place devoted to instruction; and

Policy 4310 Continued

7. The videotape is lawfully made; the person responsible had no reason to believe that the videotape was unlawfully made.

Computer Software

1. Computer software is defined as a set of statements or instructions to be used directly in a computer in order to bring about a certain result.
2. The owner of a copy of a computer program is not infringing on the copyright by making or authorizing the making of another copy or adaptation of that program if the following criteria are met:
 - a. That the new copy or adaptation is created in order to be able to use the program in conjunction with the machine and is used in no other manner.
 - b. That the new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.
 - c. That any copies prepared or adapted may not be leased, sold or otherwise transferred without the authorization of the copyright owner.
3. If the software acquired is licensed for use rather than being owned outright, then the copy and adaptation privileges are not permitted unless the terms of the license allow such duplication.
4. An educational institution cannot make an adaptation of a program to meet local needs and then make multiple copies for distribution throughout the institution.