

## **3190R COPYRIGHT REGULATIONS**

### Guidelines for Off-Air Recording of Television Programs

The following guidelines apply only to off-air recordings by nonprofit, educational institutions. The premium channels and pay-per-view programs fall outside the scope of the guidelines and cannot be recorded. Off-air recordings will be made only at the request of the individual teacher and will not be recorded regularly in anticipation of requests.

A broadcast program may be recorded off-air simultaneously with broadcast transmission and retained by a nonprofit educational institution for a period not to exceed forty-five (45) calendar days after date of recording.

Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated only once when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction. Teaching use is limited to the first ten (10) consecutive school days in the forty-five (45) calendar day retention period. After the first ten (10) school days, off-air recordings may be used up to the end of the forty-five (45) calendar day period only for teacher evaluation purposes.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. However, each additional copy shall be subject to all provisions governing the original recording. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

It is legal for teachers to tape at home and bring the tapes into school as long as all of the institutional off-air taping guidelines are followed. However, the content of the tape must support instruction of the formally adopted curriculum of the School District. Tapes may not be used for entertainment or "Friday afternoon filler," since Section 110 of the Copyright Law allows special performance exemption for copyrighted materials in the classroom for the purpose of face-to-face instruction only.

Teachers need to be aware that labels on videotapes warning that they are "For Home Use Only" do not accurately represent the law and do not prohibit the use of prerecorded tapes in the classroom. This use would be the same as educational off-air taping guidelines. The Copyright Act specifically authorizes libraries or archives to copy news programs off the air. The same guidelines apply to satellite programs that are simultaneous retransmissions.

### Guidelines for Computer Software

The School District expects that all software users will observe and comply with the laws pertaining to copyrights and will make every effort to prevent illegal use of copyrighted materials. It is not an infringement to make a copy of a computer program provided that the copy is created as an essential back-up for archival purposes only and that all copies are

destroyed in the event that the original computer program should cease to be legal. It is an infringement to load a single copy of a program onto multiple machines or networks unless a specific license for such use has been obtained from the copyright holder. At this time the concept of "fair use" is one legally licensed copy per machine. The penalties of non-compliance for employees are severe and will include disciplinary action up to and including termination.

### Guidelines for Print

The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 of the Copyright Law.

### Guidelines for Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or 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. short story, short essay, or short poem, whether or not from a collective work.
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Each teacher may retain and continue to use the single copy in the following semesters or years.

### Guidelines for Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event 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:

1. The copying meets the tests of brevity and spontaneity as defined below
2. Meets the cumulative effect test as defined below, and
3. Each copy includes a notice of copyright.

### Definitions of Terms

1. Brevity
  - a. Poetry: A complete poem if less than two hundred and fifty (250) words and if printed on not more than two (2) pages, or an excerpt of a longer poem that is not more than two hundred and fifty (250) words or to the end of a line.
  - b. Prose: Either a complete article, story, or essay of less than two hundred and

fifty (250) words, or an excerpt from any prose work of not more than two thousand and five hundred (2,500) words of ten percent (10%) of the work, or to the end of a paragraph.

c. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

d. Special Works: Certain works in poetry or prose which often combine language with illustrations and fall short of two thousand and five hundred (2,500) words may not be reproduced in their entirety. An excerpt of not more than two of the published pages and containing not more than ten percent (10%) of the words in the entire text may be reproduced.

2. Spontaneity:

The copying is at the instance and inspiration of the teacher. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness and so close in time that it is unreasonable to expect a timely reply to a request for permission.

3. Cumulative Effects:

The copying of the material is for only one course in the school in which the copies are made. Not more than one short poem, article, story, essay, or two excerpts may be copied from one author, nor more than three from the same collective work or periodical volume during one class term. There shall not be more than nine instances of such multiple copying for one course during one class term. These limitations do not apply to current news periodicals or newspapers.

Copying shall not be used to create, or replace, or substitute for anthologies, compilations, or collective works. There shall be no copying of or from works intended to be consumable. These include workbooks, exercises, standardized tests, test booklets, and answer sheets. Copying shall not substitute for the purchase of books, reprints, or periodicals.

To avoid liability for copyright infringement on the part of the library or an employee as a result of unsupervised duplicating, libraries must display notices to the effect that making a copy may be subject to the copyright law.

#### Guidelines for Educational Uses of Music

Emergency copying to replace purchased copies which are not available for imminent performance is permissible, provided purchased replacement copies shall be substituted in due course. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or area, and in no case more than ten percent (10%) of the whole work. The number of copies shall not exceed one per student.

Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or lyrics either added or altered.

Most performances of non-dramatic works by school orchestras, bands, or choral groups are exempt from licensing requirements. A single copy of records of performances by students may be made for evaluation or rehearsal purposes and may be retained by the education institution or individual teacher. All performances of both dramatic and non-dramatic musical works in class are exempt from copyright requirements.

Duplication of tapes cannot be made unless reproduction rights were given at the time of purchase. Reproduction of musical work cannot be converted to another format, e.g., record to tape. Copying of records onto cassettes for more compact shelving and to prevent loss appears to be a copyright infringement.

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1 Legal Costs could be as high as \$100,000 per illegal copy installed plus any court and attorney fees.