

621 USE OF COPYRIGHTED MATERIALS

I. PURPOSE

The purpose of this policy is to provide direction for compliance with federal copyright laws.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school board to comply with federal copyright laws. School district staff and students may not use school district equipment or supplies to make illegal copies of copyrighted works.

III. COPYRIGHTED WORKS

Copyrighted works include such items as:

Computer Software	Musical Works
Audiovisual materials	Books
Broadcast Radio Programming	Articles from Periodicals
Broadcast Television Programming	
Any Intellectual Property in Print or Digital Format	

If there is any question as to whether a material is copyrighted or not, it should be assumed that it is protected under the copyright law.

Copyrights are granted for the author's life plus 50 years, or 75 years from the publication date for "work made for hire."

Copyrighted works may be copied and used if:

1. You have been granted written permission from the copyright holder or their legal appointed representative. A copy of this written permission should be filed at the District Media and Technology Services office.
2. In the case of "Off-Air" video taping, you adhere to the guidelines negotiated by the copyright negotiating committee of the U.S. House of Representatives in 1979. The local guidelines for "Off-Air" taping reflect this agreement.

3. You follow the agreement between publishers and educators for the duplicating of printed materials.

Certain limited use of copyrighted works is permitted, without the permission of the copyright holder, under the doctrine of fair use. The following is a direct quote from the 1976 copyright law:

In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include--

- a. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- b. the nature of the copyrighted work;
- c. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- d. the effect of the use upon the potential market for or value of the copyrighted work.

All of the four conditions must be totally met to qualify a work for use or duplication under this clause.

IV. RESPONSIBILITY

Guidelines and procedures for the implementation of this policy will be developed by the administration.

Legal References: 1976 Federal Copyright Laws

Cross References: None