

Billings School District 2

INSTRUCTION

Copyright

The District recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio, visual, or printed materials and computer software, unless the copying or using conforms to the “fair use” doctrine.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research. Under the fair use doctrine, each of the following four standards must be met in order to use the copyrighted document:

1. Purpose and Character of the Use- The use must be for such purposes as teaching or scholarship.
2. Nature of the Copyrighted Work- The type of work to be copied.
3. Amount and Substantiality of the Portion Used- Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
4. Effect of Use Upon the Potential Market for or value of the Copyrighted Work- If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the District encourages its staff to enrich learning programs by making proper use of supplementary materials, staff must abide by District copying procedures and must obey the requirements of law. Staff must not violate copyright requirements under any circumstances, in performing their duties properly. The District will not be responsible for any violations of the copyright law by its staff.

A staff member should consult the Superintendent when uncertain whether reproducing or using copyrighted material complies with District procedures or is permissible under the law. The Superintendent will assist staff in obtaining proper authorization to copy or use protected materials when such authorization is required.

Cross References:

Legal References: 17 USC 101 - 1010 Federal Copyright Law of 1976

Policy History:

First Reading: January 19, 2004 – Board of Trustees

Second Reading: March 8, 2004 – Education Committee

Third Reading: April 19, 2004 – Board of Trustees
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