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**Note:** Additional information regarding a District's rights and responsibilities under the [Digital Millennium Copyright Act \(DMCA\)](#)<sup>1</sup> and [frequently asked questions](#)<sup>2</sup> about the DMCA designated directory can be found at the U.S. Copyright Office's website. The District must submit the designated agent's information to the [U.S. Copyright Office online](#)<sup>3</sup>.

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**Complaints  
Regarding Copyright  
Compliance**

If a copyright or license owner reasonably believes that the District's technology has been used to infringe upon a copyright or license, the owner is encouraged to notify the District by contacting the designated agent below.

**Designation of Agent  
to Receive Notice of  
Claimed  
Infringement**

Pursuant to federal copyright law, the District designates the following person to serve as the District's designated agent to receive complaints or notifications about claimed copyright infringement using the District's technology, including online services, and to be added to the federal directory of designated agents:

Name of District: Spring Branch ISD

Name of Designated Agent: Audrey Shakra

Physical Street Address  
(no P.O. Box): 955 Campbell Rd., Houston, TX 77024

Mailing Address  
(if different from above): \_\_\_\_\_

Phone Number: 713-464-1511

Email address of Designated Agent: copyright@springbranchisd.com

First and Last Name, Phone Number,  
and Email Address of Primary District  
Contact Person: Audrey Shakra, 713-464-1511, copyright@spring-  
branchisd.com

First and Last Name, Phone Number,  
and Email Address of Secondary  
District Contact Person (*preferably  
not the same as the designated  
agent or primary contact*): \_\_\_\_\_

Federal Directory      The general counsel will:

- Ensure that the District's registration with the U.S. Copyright Office's federal online directory of designated agents (DMCA Designated Agent Directory) is timely and properly completed,

maintained, amended, and renewed, including the payment of necessary fees;

- Ensure that the contact information of the District’s designated agent is made available on the District’s website and made available to the public; and
- If a District department or third-party entity or individual is designated as the agent instead of a District employee, ensure that such responsibilities are fulfilled on behalf of the District in a timely and compliant manner.

### **Fair Use**

The following guidelines are provided to assist in determining whether a potential use can be considered fair use by balancing all of the four factors below, prescribed in law, and the accompanying considerations:

1. Purpose and Character of Use:
  - a. Nonprofit, educational, or personal use—more likely to be considered fair use.
  - b. Criticism, commentary, news reporting, parody, otherwise “transformative” use—more likely to be considered fair use, particularly if new work significantly alters the original, appeals to a different audience, or is used for another purpose from the original.
  - c. Commercial use—more likely to not be considered fair use if new work is simply a duplication of the original.
2. Nature of the Copyrighted Work to be Used:
  - a. Fact, published—more likely to be considered fair use.
  - b. Mixture of fact and artistic expression—requires balance of considerations at item a above and item c below. For example, if the work contains more fact than artistic expression, then the balance tips in favor of the use being considered fair use. However, using the same example, if a significant amount of facts from the work was used and the work was unpublished, then the balance tips in favor of the use not being considered fair use.
  - c. Artistic, unpublished—more likely to not be considered fair use if work consists of artistic expression. Unpublished works are not likely to be considered fair use; however, a copyrighted work that was published but is no longer in print is likely to be considered fair use.
3. Amount of Copyrighted Work to be Used:

- a. Small—more likely considered fair use, but must be balanced with preceding factors and considerations. Even if a small portion of the original work used, if that portion is the “heart” or “essence” of the original, then the use is less likely to be considered fair use.
  - b. More than a small amount—the more used, the less likely to be considered fair use. If the amount used exceeds reasonable expectation, or approximately 50 percent, then the use is more likely to not be considered fair use.
4. Effect of Use on the Potential Market for the Copyrighted Work:
- a. Competes with (takes sales away from) the original—more likely to not be considered fair use.
  - b. Avoids payment for permission (royalties) in established permissions market to use original—more likely to not be considered fair use.

**Display of Warning Notice**

The building principal will prominently display the required notice concerning copyright restrictions [see CY(EXHIBIT)—B] on all reproducing equipment in each school library as well as other locations where use of reproducing equipment is unsupervised.

The District may also place the warning notice on the District’s request for information form, if any, and at other locations as determined by the District to be helpful in reducing copyright infringement or piracy.

***Form and Manner of Use***

The warning notice must be printed on heavy paper or other durable material in 18-point or larger type and must be displayed prominently, where it is clearly visible, legible, and comprehensible to a casual observer in the immediate vicinity of the place where reproductions are made or requests for reproduction are accepted.

**Trademarks**

School-related or public use of District and campus trademarks will be in accordance with Board policy and the guidelines on content described below. [See CY(LOCAL) and CDC(LOCAL)]

District and campus trademarks may not be used for purposes or on materials that:

**Limitations on Content**

1. Are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. Endorse actions endangering the health or safety of students.

3. Promote illegal use of drugs, alcohol, or other controlled substances.
4. Violate the intellectual property rights, privacy rights, or other rights of another person.
5. Defame others.
6. Advocate imminent lawless or disruptive action likely to incite or produce such action.
7. Attack or create hostility or violence against others.
8. Contain content aimed at creating hostility and violence.
9. Materially and substantially interfere with school activities or the rights of others.

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<sup>1</sup> The Digital Millennium Copyright Act: <https://copyright.gov/dmca/?locr=eanco>

<sup>2</sup> DMCA Designated Agent Directory Frequently Asked Questions: <https://www.copyright.gov/dmca-directory/faq.html>

<sup>3</sup> DMCA Designated Agent Directory Help: <https://www.copyright.gov/dmca-directory/help.html>