



Administrative Regulations

South San Antonio Independent School District

C – Intellectual Property	CY
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Business and Support Services – 2023	

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. The District designates the following employee to receive any complaints about copyright infringement in online services:

Name: Alexis Castillo: Director of Communications and Marketing

Address: 1450 Gillette – San Antonio, TX 78224

Telephone: (210) 977-7005

E-mail: alexis.castillo@southsanisd.net

The Superintendent or designee will register this information with the federal Copyright Office, in accordance with federal requirements. 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 However, using the same example, if a significant amount of facts from the work was used and the work was unpublished, then the balance tips in favor of the use not being considered fair use.



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c. Artistic, unpublished – more likely to not be considered fair use if work consists of artistic expression. Unpublished works are not likely to be considered fair use; however, a copyrighted work that was published but is no longer in print is likely to be considered fair use.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.

TRADEMARKS

School-related or public use of District and campus trademarks will be in accordance with CY (LOCAL) and the guidelines on content described below. Use of District and campus trademarks will not:

Limitations On Content

1. Be 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. Contain defamatory statements about public figures or others.
6. Advocate imminent lawless or disruptive action likely to incite or produce such action.
7. Attack ethnic, religious, or racial groups.
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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Note: Go to the District website, Communications and Marketing Department for access to the approved district logo (non-commercial use) and "Brand Style Guide."