

# Copyright

The federal copyright law governs the duplication, distribution, use, and display or performance of all copyrighted materials, including printed matter, audiovisual materials, television programs, and computer software. Violation of the law can subject the violator to legal action by the copyright holder resulting in the levying of fines and/or compensatory damages. Nonprofit status or public ownership do not provide a haven from the law, and public schools are subject to its provisions just as are other agencies and businesses. However, there are exemptions which provide some latitude for the use of copyrighted materials for instructional purposes under the doctrine known as "fair use". These exemptions, while helpful in facilitating instruction, do not apply for non-instructional purposes, such as reward or motivation.

## **Board Policy 2531 – COPYRIGHTED WORKS**

The Board directs its staff to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school districts and the staff must, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide administrative procedures regarding the copying and distribution of copyrighted materials for instructional purposes and for the appropriate use of copyrighted material on the Board's web site.

Because the Board hosts a web site and stores information on it at the direction of users, it is classified as an on-line service provider for copyright purposes. In order to limit the Board's liability relating to material/information residing, at the direction of a user, on its system or network, the Board directs the Superintendent to annually appoint an individual as the agent to receive notification of claimed infringement. A link to the agent's name, mailing address, telephone number, fax number, and e-mail address shall appear on the home page of the Board's web site. Such contact information, along with the appropriate filing fee, shall also be provided to the Copyright Office of the Library of Congress.

Additionally, the agent's name, mailing address, telephone number, fax number, and e-mail address shall be included in the student handbook for each school.

The agent shall be responsible for investigating and responding to any complaints.

17 U.S.C. 101 et seq.

**Fair Use Principles.** Under the fair use doctrine, copyrighted materials may be reproduced without authorization for the purposes of criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research following these general guidelines:

- a. **PURPOSE AND CHARACTER OF THE USE.** The use must be for such purposes of teaching or scholarship and must be nonprofit, not commercial.
- b. **NATURE OF THE COPYRIGHTED WORK.** Staff may make *single* copies of: a chapter of a book for such use as instruction, preparation for teaching or research; an article from a periodical or newspaper; a short story, essay or poem and a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
- c. **AMOUNT AND SUBSTANTIALITY OF THE PORTION USED.** Copying the whole of a work cannot be considered fair use: copying a small portion may be considered fair use

if appropriate guidelines are followed. The amount and substantiality of the portion used must be reasonable.

- d. *EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK.* If resulting economic loss to the copyright holder can be shown, making even a single copy of certain materials may be an infringement; and making multiple copies presents the danger of greater penalties, thus, the potential market value of the work should not be affected.

### **Media Specialist Responsibilities Regarding Copyright**

The school library media center has a responsibility to make school administrators, teachers, and staff aware of the law and its implications. Further, the library media specialist has an obligation to avoid engaging in activities which may expose the school and the school district to liability and to advise the school administration of any potential violations. The library media specialist should make a point of becoming informed about the law, "fair use", and the pertinent district policies and guidelines.

**Copyright: © A Guide to Information and Resources** 3rd ed., 2003 by Gary Becker has been distributed to all schools and should be on file in the school library media center.

Helpful Copyright Websites located on [District Media Site](#)