

## **COPYRIGHT COMPLIANCE ADMINISTRATIVE PROCEDURES**

This administrative procedure contains a summary of the major provisions found in the federal copyright law and guidelines concerning reproduction of copyrighted works by educators. This summary is not intended to replace the law/guidelines, which should be referred to when questions regarding implementation arise.

### **FAIR USE:**

#### Print Materials

Anyone may duplicate a single copy of a book chapter, an article from a newspaper or periodical, a short essay or short poem, a chart, graph, diagram, cartoon, drawing or picture from a book, periodical, or newspaper. Teachers may photocopy multiple copies of the aforementioned to provide one copy per student so long as three criteria are met:

1. Brevity test. Poetry of 250 words maximum; prose of any complete works under 2500 words or excerpts of not more than 1,000 words or 10% of the text whichever is less. Illustrations, including charts, diagrams, etc, equaling 1 per book or article.
2. Spontaneity test. The decision to use the work must have occurred too soon to the class time use to preclude a chance to write and receive permission for use from the publisher.
3. Cumulative effect test. Multiple copying is limited to 9 times per course with no more than three items from any one source; a teacher must not duplicate the same item from one term to another. Permission for further copying may be granted from the publisher.

#### Computer Software

Without permission from the copyright owner it is illegal to make copies of disks (except for 1 backup copy for archival purposes). However, it should be noted that certain licensing agreements for particular software provide more beneficial options to schools. Libraries may loan software but may not accept illegally produced software. Preview software may be evaluated for a reasonable evaluation period before being purchased or returned.

#### Prohibited uses:

1. Illegal copies of copyrighted software programs made or used on school equipment;
2. Copies made of preview software;
3. Use of software on a networked computer system not intended for network use without written permission;
4. Multiple loading of software not specifically intended for multi-loading without written

- permission;
5. Multiple copies made of copyrighted software (beyond an authorized archival copy);
  6. Multiple copies made of printed documentation accompanying copyrighted software;
  7. Copies made of software for sale, loan, transmission or gift to other users; and
  8. Copies made of locally produced adaptations or modifications of copyrighted software for any purpose.

It is further noted that illegal copies of copyrighted programs may not be made or used on school equipment. Licensing agreements must state the user to be MSAD #56.

### Internet

The rights of the owner of copyrighted material on the Internet are the same as the rights of the owner of traditional materials. Unless there is a clear statement that art, photos, text, and sounds are “public domain” and available for free use, it should be assumed that the material is copyrighted. All the criteria for “fair use” apply to works on the Internet just as they apply to other materials. The ease of copying materials from the Internet should not be used as an excuse for violating copyright.

### Off-Air Television Recording

Off-Air (video) taping for viewing at school is allowed, with certain restrictions, as long as the purpose is educational and, in the case of libraries, it is done at the specific request of a teacher, not in anticipation of some possible future use.

Off-air taping from commercial TV requires all public viewing within 10 days and allows up to two showings. The tape may be kept for 45 days and then must be erased. Permission to use these tapes for longer than 45 days must be granted by the Television Licensing Center, 5447 N. Ravenswood Avenue, Chicago, ILL 60640.

Off-air taping from public television must be erased in 7 days, however there is no limitation to the number of showings.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate educational needs of teachers. Such copies are subject to the same guidelines as the original copy. An off-air recording need not be used in its entirety, but the recording may not be altered, edited, combined, or merged. All copies must include the copyright notice of the broadcast program.

Taping of ITV (instructional television) broadcasts are limited to the duration of the course and may not be kept after the original purpose for taping was achieved.

Generally speaking, educators may not reproduce tapes that can otherwise be purchased. Likewise,

libraries may not accept donations of off-air video tapes or duplicated purchased tapes to include in its collection. Educators are strongly cautioned not to copy videotapes which have been received for trial viewing purposes.

Prohibited Uses:

1. Recording broadcast programs in anticipation of requests;
2. Recording broadcast programs when there is sufficient time prior to the scheduled program to obtain permission from the copyright owner;
3. Recording programs from pay/satellite television channels (HBO, Cinemax, Disney, etc.);
4. Using or retaining recordings beyond the 45-day retention period without written permission;
5. Recording the same program more than once for the same teacher regardless of how many times the program may be broadcast; and
6. Altering the program from the original content in any way (although the entire program need not be viewed).

CROSS REFERENCE: EGAD, Copyright Compliance

ADOPTED: August 8, 2000