

General Personnel

Administrative Procedure - Copyright Compliance

These guidelines help staff members determine if they may use non-original work freely or whether permission is needed to use or copy it. Whenever a staff member is uncertain, has questions, or needs permission from a copyright-owner to use or copy a work, he or she should contact the Superintendent or designated copyright compliance officer. The Appendix contains use resources available online.

1. Is the work copyright protected? A “no” means you may use the work freely; a “yes” or uncertain answer means you should proceed with the second query.
 - a. No, if it is in the public domain.
 - b. No, if it is a U.S. Government publication.
 - c. No, if it is an idea or method described in copyrighted work.
 - d. The presence of a copyright notice is not determinative.
 - e. Yes, almost all other works.
2. Do you want to exercise one of the copyright owner’s exclusive rights? A “yes” or uncertain answer means you should proceed with the third query.
 - a. Yes, if you plan to copy the work.
 - b. Yes, if you plan to use the work as the basis for a new work.
 - c. Yes, if you plan to electronically distribute or publish copies.
 - d. Yes, if you plan to perform music or drama, recite prose or poetry, or if you plan to play a video and/or audio digital or tape recording or a CD-ROM or DVD.
 - e. Yes, if the plan is to publicly display the work.
3. Does your planned use of the work require the copyright owner’s permission? A “no” means you may use the work, provided that any copies contain the copyright notice as it appears in the original work; a “yes” or uncertain answer means you should contact the Superintendent or designated copyright compliance officer.
 - a. No, if your planned use of printed work is within the “fair use” exception as defined in 17 U.S.C. §107.
 - b. No, if your planned use of the work is within the “library’s special rules” exception as defined in 17 U.S.C. §108.
 - A library may make a single copy containing the copyright notice for the purpose of archiving lost, stolen, damaged, or deteriorating works.
 - A library may make a single copy containing the copyright notice for a student or staff member at no more than the actual cost of photocopying, provided that the library finds that the copyrighted work cannot be obtained elsewhere at a fair price.
 - c. No, if your planned use of the work is within the “educational performances and displays” exception as defined in 17 U.S.C. §110.

Performances by teachers or students are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.
 - d. No, if you plan to use it in an overhead or opaque projector for instructional purposes.

- e. No, if you plan to copy and use music for academic purposes, other than performance.
- f. Yes, notwithstanding the above, if you plan to create anthologies, compilations, or collective works.
- g. Yes, notwithstanding the above, if copies will be “consumed” during the course. “Consumable” works include: workbooks, exercises, standardized tests, test booklets, and answer sheets.
- h. Yes, notwithstanding the above, if you plan to substitute copies for the purchase of the work; likewise, if you yearly copy the same item.
- i. You must receive permission from the Superintendent or designated copyright compliance officer before showing the off-air recording of television programs, video rentals, or videos purchased for home use. You must follow any applicable license agreements.
- j. You must receive permission from the Superintendent or designated copyright compliance officer before using any non-District owned software and/or CD-ROM or DVD products in District owned equipment. No one may install or download any program on District owned equipment without the Superintendent or designee’s permission.
- k. You must follow licensing agreements applicable to District owned software and CD-ROM or DVD products.
 - Licensing agreements with the manufacturer and vendor shall be followed.
 - Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment, to avoid the installation of privately purchased software on school equipment, and to avoid the use of single copy software or CD-ROM products across a network with multiple users unless the applicable license agreement permits.
 - A back-up copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the District shall make a back-up program in accordance with the terms of the applicable licensing agreement or 17 U.S.C. §117.

Appendix: Copyright Resource List

U.S. Copyright Office

<http://www.copyright.gov>

Copyright Act, as amended, Title 17 of the United States Code

www.copyright.gov/title17/92chap1.html

Copyright Term and the Public Domain in the United States

http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm

Cornell University Copyright Information Center

Circular 21: Reproductions of Copyrighted Works by Educators and Librarians

<http://www.copyright.gov/circs/circ21.pdf>

U.S. Copyright Office

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals - Published in House Report 94-1476
http://www.copyright.cornell.edu/policy/Multiple_Copies_for_Classroom_Use.htm
Cornell University Copyright Information Center

Cornell Copyright Policies, Guidance, and Policy Interpretations
www.copyright.cornell.edu/policy/index.htm
Cornell University Copyright Information Center

CONFU Conference on Fair Use.
www.utsystem.edu/OGC/INTELLECTUALPROPERTY/confu.htm
University of Texas

TEACH ACT (Technology, Education, and Copyright Harmonization Act)
<http://www.utsystem.edu/OGC/IntellectualProperty/teachact.htm>
University of Texas

TEACH ACT - Amended Section 110(2) Comparison Chart, Sections 110(1)-(2)
www.unc.edu/~unclng/TEACH.htm
The University of North Carolina at Chapel Hill

WIPO (World Intellectual Property Organization)
<http://www.wipo.org>

MPAA (Motion Picture Association of America)
<http://www.mpaa.org>

iCopyright.com (Automated copyright licensing system for digital content)
www.icopyright.com

Permissions Group (Negotiation of rights and fees for the use of copyrighted material in and for all media)
www.permissionsgroup.com

SIIA (Software & Information Industry Association)
www.spa.org

CCC Copyright Clearance Center (Copyright permission for publications worldwide)
www.copyright.com

ASCAP (American Society of Composers, Authors and Publishers)
www.ascap.com

BMI (Broadcast Music Inc.)
www.bmi.com

SESAC, Inc. (A performing rights organization)
www.sesac.com

The Harry Fox Agency, Inc. (Licensing agency for U.S. music publishers)
www.harryfox.com

The Authors Registry (Maintains an extensive directory of authors)
www.authorsregistry.org

Copyright & Fair Use (Stanford University Libraries)
<http://fairuse.stanford.edu/>

Copyright Society of the USA
www.csusa.org

The Copyright (Copyright Registration and Information Resource)
www.benedict.com

Crash Course in Copyright
University of Texas
www.utsystem.edu/ogc/IntellectualProperty/cprtindx.htm

Kohn on Music Licensing
www.kohnmusic.com

National Writers Union
www.nwu.org/nwu

Poets & Writers, Inc.
www.pw.org

Project Gutenberg (Internet's oldest producer of FREE electronic books (eBooks or eTexts))
www.promo.net/pg

WATCH: Writers and Their Copyright Holders
<http://tyler.hrc.utexas.edu/>

World Intellectual Property Organization
www.wipo.int/portal/index.html.en

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