

Copyright Compliance

Federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties are provided for unauthorized copying or using of audio, visual, printed, or computer software materials, unless the copying or using conforms to the “fair use” doctrine. Section 107 of the copyright law states:

Under the “fair use” of a copyrighted work, including such use by reproduction in copies, phonorecords, or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not infringement of copyright. In determining whether the use made of a work in any particular case is a fair use of the factors to be considered shall include:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;
2. The nature of copyrighted work;
3. The amount and sustainability of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

While the district encourages its staff to enrich the learning programs through proper use of supplementary material, it is the responsibility of district personnel to obey the requirements of the law. In no circumstances shall employees be authorized to violate copyright requirements in order to perform their duties. Further, the district cannot be responsible for any violations of the copyright law by its employees.

Any employee who is uncertain whether reproducing or using copyright material is permissible under the law should contact the building principal or library/media specialist. The latter will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

Legal Reference: P.L. 94-553 (Title 17, U.S. Code)

RSD #400

(Old policy #6162)

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