

SAU 50 COPYRIGHT POLICY

Historically, intellectual property laws have been used to protect creative works and their creators; to promote the development of products and ideas which have allowed society to advance; and to encourage others to be creative and productive. As technology impacts education in many ways, SAU 50 staff members must include all work that is used by, or created within, the school as intellectual property. SAU 50 staff members bear a responsibility to adhere to all intellectual property laws. They are expected to abide by these laws, model behavior which is in compliance with them, and instruct students about the importance of intellectual property and correct attribution of sources. Staff members should adhere not only to the letter, but also to the spirit, of these laws. Teaching and modeling respect for ideas will encourage all those in the SAU 50 educational environment to be creative and productive. This means that:

1. Students must receive instruction in the importance of intellectual property and copyright laws through a combination of classroom practice and library instruction.
2. Students need to understand the difference between plagiarism (stealing or passing someone else's work off as one's own) and copyright violations (failure to correctly attribute work).
3. Staff members should not accept work which is in clear violation of copyright laws.
4. Staff members are expected to do all they can to encourage students to respect and acknowledge all ideas and works of others including fellow students.

USING THIS POLICY

Explanation of Copyright Laws: The following page of this policy contains a brief explanation of the Copyright Laws and Fair Use Exceptions for Educators. The law itself has been interpreted through a series of court cases and policy decision by users of each genre of work covered under the umbrella of these laws. Therefore in the following pages we delineate specific interpretations for each genre.

Specific Forms of Copyrighted Materials: Specific guidelines and liabilities apply to each type of copyrighted materials. For each of these types of works, we include a brief definition of the law and its intent, a list of the important information about the fair use guidelines for that genre, and the MLA Citation Style used in SAU 50. Teachers should have students use this form for all endnotes and footnotes.



WHAT ARE INTELLECTUAL PROPERTY LAWS?

Intellectual property rights fall under three categories of laws: copyright, trademark and patent laws. Therefore, for the purposes of this document, we shall concentrate on knowledge of copyright laws and how they affect educators in their work and in their instructional responsibilities.

Copyright laws of the United States are intended to protect the rights of the author or creator of a work while balancing the needs of society. Section 106 of the Copyright Act defines the rights of ownership of their material. Copyright owners have the exclusive right to do and to authorize others to do the following:

1. Reproduce the copyrighted work in copies appropriate to the medium.
2. Prepare derivative works based upon the copyrighted work, e.g., workbooks, audio recordings, etc.
3. Distribute copies of the work to the public by sale or other means such as rental, lease, or lending.
4. Perform the work publicly.
5. Display the work publicly.

Fair Use Exceptions: Limitations on the exclusive rights of authors or creators are established in Section 107 of the Copyright Law. Fair use for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research is not considered an infringement of copyright. Four criteria must be used to determine whether the doctrine of fair use applies in a particular case:

1. What is the purpose and character of the use? Is this use commercial or for nonprofit, educational purposes?
2. What is the nature of the copyrighted work?
 - a) materials designed primarily for educational use i.e. textbooks, workbooks, and periodicals for students, are less likely to fall under fair use
 - b) a work determined to be of an entertainment nature is less likely to fall under fair use
3. What is the extent of the portion used in relation to the copyrighted work as a whole?
4. Does the effect of the use impact the potential market for or value of the copyrighted work?
 - a) use in another medium, e.g. a book narrated onto audiotape, would be considered future use affecting the author's exclusive right to prepare derivative works



- b) use is not considered just in terms of the specific case but also by “what if” others made similar use would the author’s right be violated.

Fair Use applies only when all four criteria are met.

Personal Liability: All staff members in SAU 50 should understand the liability they face in violations occur. Typically violators of Copyright Laws are subject to statutory damages which may be as low as \$100 per violation to a maximum of \$10,000 per violation with minimum total damages of \$100 and maximum of \$50,000.

EDUCATIONAL USE OF VIDEOTAPES

Copyright issues in regard to use of videotapes in education generally fall into two categories: “OFF AIR TAPING” and “VIDEO RENTALS.” Listed below, are the issues relevant to both types of video.

Classroom use or showing of a copyrighted videotape is permissible under the following conditions:

- Use must be by the instructors or pupils.
- Use is in connection with face-to-face teaching activities.
- The entire audience is involved with the teaching activities.
- The entire audience is in the same room or same general area.
- Teaching activities are conducted by a non-profit educational institution.
- The showing takes place in a classroom or similar place devoted to instruction, such as: a school, library, gym, auditorium, or workshop.
- The videotape is lawfully made and the person responsible has no reason to believe that the videotape was unlawfully made.

Off-Air Taping Guidelines:

- Unless otherwise noted, any off air tapes may be kept for a maximum of 45 days and must then be erased.
- During the first ten days of the 45-day maximum, the tape may be shown once in the course of relevant teaching activities and once for educational reinforcement.
- There is however, a trend among educational networks to allow more liberal copyright clearances from six months to perpetuity. This is available in every issue of Cable in the Classroom and should be noted at the time of recording.



Rental Tapes Guidelines:

Rental tapes may be used by educational institutions as long as the seven criteria above (listed in Classroom Use or Showing of a Copyrighted Video) are met, even if the tape is marked “For Home Use Only”

NOTE: Showing a rental tape solely for entertainment purposes and not as a face-to-face teaching activity related to the curriculum would most likely violate the principle of “fair use” as it applies to educational settings.

Proper Citation Form: List medium (filmstrip, videocassette, etc.) after the title. For example: *Going Back, A Return to Vietnam*. Videocassette. Virginia Productions, 1982. 55 minutes.

Sources:

American Library Association, NEA. *The Copyright Primer for Librarians and Educators*. Chicago. ALA. 1987.

Kidsnet. *All About Copyright*. Washington D.C. Kidsnet. 1993

Copyright Office. *Circular 21: Reproduction of Copyrighted Works by Educators and Librarians*. Washington D.C. US Government Printing Office. 1992

MUSIC: USE AND COPYING IN A SCHOOL

These guidelines speak to the use and/or performance of copyrighted sheet music, sound recordings and non-dramatic literary and non-dramatic musical work.

Use of Musical Works in Classrooms and Performance: The fair use doctrine allows use and/or performance of written or recorded musical works if they are used/or performed:

- by instructors and or pupils
- in face-to-face teaching
- in a non-profit institution
- in a classroom, library or similar place of instruction
- based on legal copy
- without indirect or direct payment to performers, promoters, or organizers
- if proceeds are used exclusively for education

Reproduction of Copyrighted Musical Works is allowed under fair use for:

- emergency copying (when performance is imminent)
- for academic purposes, multiple copies of excerpts, not to exceed 10% of the whole, may be made. No more than one copy/pupil may be made.



- printed copies which have been purchased may be edited or simplified provided that the fundamental character is unchanged and no lyrics are altered or added
- single copies of a sound recording may be made for the purpose of construct exercise, exams etc. by teacher or school

Reproduction of copyrighted musical works is not allowed:

- to create, replace or substitute for anthologies, compilations or collective works
- to copy material intended as consumable
- to copy for the purpose of a performance (except emergencies)
- to copy instead of purchasing
- to copy without the inclusion of the copyright notice

Proper Citation Form: Last name, first name, Recording. Co., Catalog #, date. For example: Shocked, Michelle. *Arkansas Traveler*. Polygram Records, Inc., D110521, 1992. (Note: The person cited will depend on the emphasis you may wish to make in the entry. It can be the performer, composer, conductor, etc.)

COMPUTER SOFTWARE, CD-ROMS, AND INTERNET SOURCES

Computer software, CD-roms, and Internet information, are subject to copyright laws under Title 17 U.S.C. sections 106, 117, and 501 and Title 18 section 2319. These laws state that, in essence, once software is loaded into memory on a computer, that computer must have the original license for said computer. Each license may vary as to rights of owner and must be followed specifically.

NOTE: Each copy of software can be installed into memory of only ONE computer.

Guidelines as to the use of such programs ALLOW:

- use of program on one computer
- purchased site licenses allows for a specified number of users.
- one back-up copy may be made for archival purposes only.

These same guidelines PROHIBIT:

- illegally downloading/uploading software from disk, cd-rom, or Internet.
- making software available for download.
- transmitting unauthorized software files.
- aiding others in locating or using unauthorized software.



- supporting sites where unauthorized software may be obtained.
- allowing sites where authorized software may be obtained to exist on a server.
- linking to, or informing others, of FTP sites where software may be unlawfully obtained.

The Software Publishers Association, at <http://www.spa.org/>, states:

Direct Infringement: Anyone who violates any of the exclusive rights of the copyright owner (reproduction, adaptation, distribution to the public, public display, rental for commercial advantage or importation) is an infringer of the copyright or the right of the author..." Section of Copyright Act.

Indirect Infringement: Librarians, technology coordinators, administrators, and teachers with common knowledge, who allow improper use of software, cd-roms, and the Internet, are liable.

NOTE: The unauthorized duplication of software (regardless of whether for free distribution or copier's own use,) may be punishable under statutory law for damages up to \$100,000 for each infringement. Under federal law, if "willingly and for purposes of commercial advantage or private financial gain (Title 18 Section 2310 (b))." Criminal penalties include up to \$250,000 and up to five years in jail. NOTE: private financial gain includes the savings on YOUR illegal copy for private use.

Proper Citation of electronic sources: Basically electronic sources should be cited by the following format:

Author's Last Name, Author's First Name. "Title of Document." Title of Complete Work (if applicable). Version or File Number, if applicable. Document date or date of last version. Protocol and address, access path or directories. For example:

World Wide Web Site:

Burka, Lauren P. "A Hypertext History of Multi-User Dimensions." The MUDEX. 1993. <http://www.apolcalypse.org/pub/u/lpb/muddes/essay> (5 Dec. 1994).

CD-Rom Periodical:

O'Connell, Loraine. "Busy Teens Feel the Beep." Orlando Sentinel 7 Jan. 1993:E1+. Rpt. In Youth, Vol. 4. Ed. Eleanor C. Goldstein, Boca Raton, FL: Social Issues Resources Series, Inc., 1993 Art. 41.



CD-ROM Reference Book:

Software Tool Works Multimedia Encyclopedia. Computer software. Novato, CA: Software Tool Works, 1991, CD_ROM.

Sources:

Sebranek, Patrick, Verne Meyer, and Dave Kemper. Writers, Inc. Boston, MA: Houghton Mifflin Company, 1996.

“MLA Citation Style Handout.” <http://www.baker.edu/library/mla/html>.

PHOTOCOPYING – WITH RESPECT TO BOOKS AND PERIODICALS

The following guidelines for classroom and teacher photocopying¹, recommended by a committee of authors, publishers, and educators, were endorsed by the House of Representatives and appear in the House Report as clarification of the Copyright Act.

Teachers may make a single copy for themselves, for research or for teaching purposes of:

- a chapter of a book
- an article from a periodical or newspaper
- a short story, short essay, or short poem whether or not from a collective work
- a chart, graph, diagram, cartoon (except copyrighted, syndicated cartoon characters), or picture from a book, periodical or newspaper.

Teachers may, for classroom use, make multiple copies (not to exceed more than one copy per pupil) of the following:

- a complete poem if less than 250 words and if printed on not more two pages
- an excerpt from a long poem of no more than 250 words
- a complete article, story or essay of less than 2,500 words or an excerpt, not more than 1000 words, from a larger work not to exceed 10% of the whole, whichever of the preceding is less one chart, graph, diagram, cartoon (see above) or picture per book or periodical issue.
- an excerpt of not more than a two page ad, containing not more than 10% of the text of a “special work” which combines language with illustrations, e.g. a picture book.

NOTE: All the preceding must bear the copyright notice.



These guidelines also limit and explicitly prohibit certain instances of photocopying:

- Copying is made for one course only.
- Only one work from a single author may be copied.
- No more than three authors may be copied from the same collective work (except from current new periodicals, newspapers, and current news sections of other periodicals unless the source was made expressly for student use, i.e. Scholastic Magazine).
- Not more than nine instances of such multiple copying may be made during one class term (same exception as above).
- Copying shall not be used to create or to replace or substitute for anthologies or collective works.
- Copying of “consumable” works, i.e. workbooks, exercises, standardized tests, test booklets and answer sheets is prohibited.
- The same item shall not be copied by the same teacher from term to term.
- No charge shall be made to students beyond the actual cost of photocopying.

Proper Citation: The following pages give the proper citation for the various forms of written works. Note, in all instances, SAU 50 will adopt the MLA methods of citation.

¹Becker, Gary H. Copyright: A Guide To Information and Resource 1st Edition. Lake Mary, FL: Gary H. Becker, 1992.

Adopted 2001

