A SUMMARY OF COPYRIGHT PROCEDURES FOR EDUCATORS

Including Print, Music, Audiovisual, Television, Computer Courseware Material, Multimedia & Internet Content
Roseburg Public Schools

General Copyright Policy Guidelines

Roseburg board policy directs all district staff to use the utmost caution and discretion when reproducing or using copyright materials in the classroom. Unauthorized reproduction and/or usage of copyrighted materials is illegal and unethical and may result in criminal and civil suits.

Print materials, audio and video materials, as well as computer software are ordinarily protected by copyright. All such materials are to be treated as copyright-protected unless there is a specific waiver of copyright or a disclaimer allowing limited reproduction.

1998 Revision

There have been few significant changes in copyright law and guidelines since this document was first published in 1990. New board policy specifically addressing the use of feature film/video in a school setting was adopted in 1997 and has been inserted in the front part of the document to call attention to this policy.

2009 Update

In the last decade the impact of the Internet and other new technologies on instructional practices and the educational environment has been dramatic and has created new ethical and legal challenges. No illegal digital content should be downloaded onto a school computer or brought into the classroom from outside sources. Generally web page content is considered copyrighted even if not explicitly stated as such on a site. Use of material from websites or licensed online databases should be cited appropriately following the general “fair use” guidelines.

Students own copyright to materials they produce. School must get permission of student and parents to publish outside the classroom.

Special thanks to:

Dr. Richard Gilkey, Curriculum/Educational Media Department, Portland Public Schools, Portland, Oregon
Nancy Graf, Library Media Center Director, Hanford Secondary School, Hanford Public Schools, Washington
Use of Feature Film/Video in a School

Videos and films are an effective teaching tool and valuable supplement to curricular materials in the classroom. The aural and visual qualities of the video medium have a strong appeal to young people and help teachers accommodate a variety of student learning styles. Respect for the intellectual freedom of teachers must be balanced with a concern for the developmental needs of students and parental preferences for their children.

Teachers may take advantage of “fair use” copyright guidelines to show commercial feature films and selected off-air television programs relevant to a specific curricular area for instructional purposes. Generally, federal law prohibits the use of commercially produced videos for entertainment in the classroom. However, even videos labeled "for home use only" may be used in schools (in whole or in part) provided the following conditions are met:

1. Video recordings must be used in the course of face to face (teacher/student) classroom instruction;
2. Copyright law prohibits the showing of videos for fun or as a reward unless specific public performance rights have been granted;
3. Only legally acquired videotapes may be used on district property. District equipment may not be used to duplicate copyrighted videotape material;
4. Videos must be shown in the classroom or other school location devoted to instruction;
5. When only a segment of a film/video is used the teacher must give appropriate credit to the author/producer by showing the credits to the class or by creating a handout where this information is cited.

Before showing commercially produced videos for the above purposes, the film/video rating system must be considered and any film or video with a rating beyond G, appropriate for the age group being instructed must receive prior approval from the principal. The following information must be included in writing:

1. Title and brief description;
2. Relationship to course objectives;
3. Proposed date of showing;
4. When and how parents will be notified.

When appropriate, permission slips will be used and an appropriate alternative assignment established for those who do not participate.

Unrated, off-air recordings must also be carefully evaluated for appropriateness for specific age groups.

Board policy IIABB  Adopted 8/13/97
21st Century: New Copyright Challenges

A complete revision of this policy document is underway. Check the curriculum library at central office or our school library catalogs for reference books on more recent copyright developments if issues arise not addressed in this document.

The district library coordinator and the district technology coordinator can be consulted for help with interpreting copyright issues.

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The following websites provide information on copyright policy as it relates to digital media and online resources.

Dr. Carol Simpson Web Site for School Library Copyright
http://www.school-library.org/

Association for Instructional Media & Equipment
http://www.aime.org

Fair Use Guidelines for Educational Multimedia
http://www.utsystem.edu/ogc/
intellectualproperty/ccmcguid.htm

Hoon, Peggy E. The TEACH Toolkit; An Online Resource for Understanding Copyright and Distance Education. 2002.
http://www.lib.ncsu.edu/scc/legislative/teachkit/

Pending Copyright Legislation http://www.loc.gov/copyright/legislation
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**REPRODUCTION OF MATERIALS**
Copyright laws place complex limits on reproduction of materials by teachers for class use. The District publication “A Summary of Copyright Procedures for Educators” should be reviewed in detail. In general, the following rules apply.

1. Single Copies

   Generally, principals and teachers are advised that a single copy of a page or portion of a published item may be reproduced if the source is properly identified without infringing upon the copyright law.

2. Portions of Books

   Portions of printed materials cannot ordinarily be copied or reproduced in quantities for distribution to avoid the necessity for students and teachers to purchase the original work.

3. Music and Plays

   Copyright laws on plays and music are stringent and no such material should ever be reproduced without written permission of the copyright owner.

4. Video Recordings

   Use of video recordings, either prerecorded television or recorded no-broadcasted programs, are strictly regulated by copyright and licensing laws. Use of prerecorded television and rented or legally obtained non-broadcasted programs in classroom instruction is usually permissible but unless license is acquired from the copyright owner, they cannot be used in any non-instructional or entertainment setting. Copying of prerecorded television programs and copying and retaining non-broadcasted video recordings without proper license agreements is illegal.

5. Computer Software

   Copying computer software beyond the production of a single back-up copy and the authorized work copy/copies required to utilized the program at a single computer station is a violation of the licensing agreements and copyright law. The printed documentation and instructional material accompanying a program is likewise covered by the same laws protecting all printed materials.

EXCERPT FROM PUBLIC LAW 94-553
GENERAL REVISION OF COPYRIGHT LAW
“107. Limitations on exclusive rights: Fair use

. . . the fair use of a copyrighted work, including such use by reproduction in copies of 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 an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include-

(1) the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyright work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.”

Because the “fair use” provision of the law is general, it is not subject to either precise definition or automatic application. Within the general parameters of the “fair use” section, the guidelines prepared by the committees appointed by Congress “to interpret” the Law have direct implications for classroom teachers. An outline of the guidelines with some commentary and examples of “fair use” applications by type of media will be presented to assist teachers in deciding whether a copy may lawfully be made.

The law offers specific guidance for some copying of some media for some purposes. In other areas the law is not clear and these will be noted and caution will be urged in not exceeding a reasonable “fair use” application. Strict prohibitions are stated in some guidelines, and schools should take precautions to ensure observance of the prohibition by teachers and students.

COPYING OF BOOKS, PERIODICALS AND OTHER COPYRIGHTED PRINTED MATTER

The purpose of the following guidelines, adopted by Congressman Kastenmeier, is to state the minimum but not the maximum standards of educational “fair use” under Section 107 of H.R. 2223. These guidelines were formulated from recommendations made by a committee of authors, publishers and library representatives appointed by Congressman Kastenmeier to determine the application of “fair use” in the printed area.

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions – With Respect to Books and Periodicals
GUIDELINES

I. SINGLE COPYING FOR TEACHERS

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

A. A chapter from a book;

B. An article from a periodical or newspaper;

C. A short story, short essay or short poem, whether or not from a collective work; and

D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

Examples of permissible single copying for individual teachers are:

The librarian is requested by the teacher to photocopy a short editorial from the newspaper for use in a language arts class.

The librarian is requested by the social studies teacher to prepare a paper copy of two frames from a microfiche for the bulletin board in his/her room.

The librarian is requested by the science teacher to make a transparency of a photograph in a periodical to show a class how an earthquake is located by triangulation.

The homemaking teacher makes one photograph slide of a dress style from a book containing some 200 pictures of dress through the ages to demonstrate similarities with current styles.

Comments:

Each teacher may retain and continue to use the copy in the following semesters or years.

Although each teacher requested the copy in a media format requiring a different process of reproduction, the important consideration is that only a single copy was made. Technically, it might be argued that the transparency and the slide required an intermediate copy, but the intention is clearly a single copy in an appropriate format. Little or no concern is found in the guidelines or the literature for teachers making a single copy. This practice seems generally accepted as consistent with the teacher’s role in instruction.

Librarians should be aware that in all the examples the copying was not done for library use, that is, to add to the library collection, but as the agent for a user possessing a “fair use” privilege.
Under the “fair use” provision, a teacher may not photograph each illustration in a short children’s book; nor may the teacher make an audio recording of the entire text of such a book.

II. MULTIPLE COPIES FOR CLASSROOM USE

BOOKS AND PERIODICALS

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

A. The copying meets the test of brevity and spontaneity as defined below;

B. Meets the cumulative effect test as defined below; and

C. Each copy includes a notice of copyright.

Definitions

Brevity

(i) Poetry: (a) A complete poem if less than 250 words and if printed on more than two pages, or (b) from a longer poem, an excerpt of not more than 250 words.

(ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.

(Each of the numerical limits stated in “i” and “ii” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)
Brevity (continued)

(iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

(iv) “Special” works: Certain works in poetry, prose or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph “ii” above not withstanding such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof, may be reproduced.

Spontaneity

(i) The copying is at the instance and inspiration of the individual teacher; and

(ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

(i) The copying of the material is for only one course in the school in which the copies are made.

(ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in “ii” and “iii” above shall not apply to current news periodicals and newspaper and current news sections of other periodicals)

III. PROHIBITIONS AS TO I AND II ABOVE

Not withstanding any of the above, the following shall be prohibited:

(A) Copying shall not be used to create or replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.

(B) There shall be no copying of or from works intended to be “consumable” in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
(C) Copying shall not:

(a) substitute for the purchase of books, publisher’s reprints or periodicals;

(b) be directed by higher authority; and

(c) be repeated with respect to the same item by the same teacher from term to term

(D) No charge shall be made to the student beyond the actual cost of the photocopy.

Examples of permissible multiple copying might be:

As a result of conflicting reports on a Northwest electrical power issue, a teacher requests the librarian to make 27 copies of a one-page excerpt (approximately 450 words) of a book to distribute to each student in the class. (Each student receives a free copy which includes the copyright notice.)

An elementary teacher requests the librarian to make 23 copies of a diagram in a book. The diagram shows a comparison of the human eye with a camera, and the teacher wishes to distribute copies to the class to enable students to visualize the similarities.

Discussion:

The two examples probably represent impulse copying to clarify a learning experience for each class. Both examples meet the tests of brevity, spontaneity and cumulative effect. However, teachers are cautioned to use this type of multiple copying infrequently and only after careful consideration and review of the guidelines.

Please note that the teachers in the examples may not request multiple copies of the same materials in the following semesters or years. However, teachers who anticipate such requests may contact or have the librarian contact the copyright holder to request permission to duplicate the materials.
GUIDELINES FOR EDUCATIONAL USES OF MUSIC

The following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

A. Permissible Uses

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

2. (a) For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not compromise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per pupil.

(b) For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is:

   (1) confirmed by the copyright proprietor to be out of print; or

   (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none existed.

4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or an individual teacher.

5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording)

B. Prohibitions
1. Copying to create or replace or substitute for anthologies, compilations or collective works.

2. Copying of or from works intended to be “consumable” in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.

3. Copying for the purpose of performance, except as in A(1) above.

4. Copying for the purpose of substituting for the purchase of music, except as in A(1) and A(2) above.

5. Copying without inclusion of the copyright notice which appears on the printed copy.

“Guidelines for Educational Uses of Music” were submitted April 30, 1976, by representatives of the Music Publishers’ Association of the United States, Inc., the National Music Publishers; Association, Inc., the Music Teachers’ National Association, the Music Educators; National Conference, the National Association of Schools of Music, and the Ad Hoc Committee on Copyright Law Revision.

The music guidelines constitute a major area of concern because of the implications for school performances. Also, these guidelines govern both printed music and sound recordings (audio disk, cassette or tape recordings). Music educators should be made aware of the guidelines, particularly the “fair use” aspect of “emergency copying to replace purchased copies which for any reason are not available for an imminent performance: and the accompanying commitment to purchase replacement copies. Multiple copying of printed music for classroom situations is permitted as long as it does not exceed the limitations in item A(2) of the guidelines. However, it should be noted that no such permission is grated for sound recordings which may be governed by both music and sound recording copyrights. Finally, the prohibitions should be read in all cases to ensure that there is no copyright infringement.
Section 108 of the Copyright Law describes the kinds of copying permitted libraries and archives. It recognizes that library users and librarians need to have certain kinds of materials available that are different than those that would be required for classroom instruction. The intent of Section 108 is to assist libraries to provide services that, while not directly related to instruction, are used by teachers and administrators in the completion of their assigned responsibilities.

In the following paragraph we have provided excerpts of the law which are indicated by the use of quotation marks, plus an interpretive narrative, or paraphrasing of the law where that seemed to provide more clarity.

“…it is not an infringement of the copyright for a library…, or any of its employees acting within the scope of their employment to reproduce no more than one copy or phonorecord of a work, or to distribute such a copy of phonorecord, under the conditions specified by this section.”

There cannot be any commercial advantage resulting from these copies and the copy must bear the notice that the material being copied has been copyrighted.

Paragraph (c) of Section 108 indicates that it is possible to reproduce a recording or copy of a published work for the purpose of replacement of material that is damaged, deteriorating, lost or stolen if it has been owned by the library, and after a reasonable effort has been made to obtain a duplicated copy and a replacement copy cannot be obtained at a fair price.

Paragraph (d) indicates that copies can be made from items in a library for a user at their request if no more than one article, or other part of a copyrighted collection, periodical or recording is involved, providing that the copy becomes the property of the usher and the copy will not be used for any purpose other than private study, scholarship or research.

Paragraph (d) goes on to indicate that the library must prominently display, at the place where orders for copies are taken or copies are made, a warning of copyright infringement and that use of the items copied must be only the use indicated above.

Paragraph (f) states that there shall be no liability for copyright infringement upon the institution or its employees for unsupervised use of various types of reproduction equipment located on its premises, provided that the equipment displays a notice that making such a copy shall be subject to copyright law.

Paragraph (f) further states that the person making the copy for their use has the liability for determining whether or not the use of the copy fits those criteria for fair use as described in Section 107 and previously cited in this document.

Paragraph (g) of Section 108 goes on to state that the rights of reproduction and distribution under Section 108 are not meant to imply that a library or its employees are allowed to continue to provide copies when they are aware, or have a substantial reason to believe, that they are engaged in a concerted effort to make copies which would together would be in violation of the copyright law. In other words, while the individual instances in which copies are made might be within the law over a period of time, the accumulation of the copies could result in an infringement of the law if they exceed the guidelines previously stated for fair use.
Paragraph (h) of Section 108 specifically states that permission given in this section limited copying by libraries does not include any musical work, pictorial, graphic or sculptural work, motion pictures or other audiovisual works, other than those audiovisual works dealing with news broadcasts. This further emphasizes the fact that while certain kinds of print material are clearly now available for copying, most audiovisual materials cannot be copied unless they meet the provisions of the new copyright law and permissions are granted for the reproduction of the material. All requests for permissions must be obtained in advance and in writing.

REQUESTING PERMISSION TO REPRODUCE COPYRIGHTED MATERIAL BEYOND FAIR USE GUIDELINES

The use of copyright material beyond that covered by the Fair Use Doctrine obligates the user to request permission. There are certain basic considerations which must be followed in any request for duplication of material:

1) The exact title of the material;
2) A specific description of what material is to be used;
3) How it is to be reproduced;
4) The number of copies being made;
5) The use of the material;
6) How it is to be distributed; and
7) Any charges associated with its use

It is important to remember that you must allow sufficient time for the request to be granted, this may be upwards of one or two months from date of request. Requests can never be granted over the telephone and blanket permissions are likewise never granted.

Letters requesting permission can take a number of formats. The suggested format is designed to provide you with a sequence of data rather than a specific form that you fill out. It can be modified to suit the kind of material that you are requesting permission to duplicate.
Dear Sir or Madam:

I would request permission to reprint (or reproduce) the following materials:

(Have you included the title, author, number of pages, frames, footage, etc. Provided a full description giving complete citation or pages, opening lines and closing lines, frames used, footage and location of footage. What is required is an accurate description of what is to be used.)

The materials will be used (describe the format—slides copied, transferred to videotape, printed in text, booklet, or other types of print publication. Be specific; include date of duplication, etc.)

I plan to make _____ copies of this material which will be distributed to ___________ during the ______________. (indicate the number of copies to be made, who will receive them whether or not they will be distributed free or sold, and if sold state price.)

A self-addressed envelope and copy of this letter for your files are enclosed for your convenience.

Please let us know what conditions, if any, apply to this use,

Sincerely,

(Your name.)

Permission granted: ______________________ _________________

Signature     Date

Conditions, if any: _________________________________________

_________________________________________

______________________ _________________

Signature     Date

GUIDELINES FOR OFF-AIR RECORDING OF BROADCAST PROGRAMMING FOR EDUCATIONAL PURPOSES*

In March of 1979, Congressman Robert Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice, appointed a Negotiating Committee
consisting of representatives of education organizations, copyright proprietors and creative
guilds and unions.

The following guidelines reflect the Negotiating Committee’s consensus as to the application of
“fair use” to the recording, retention and use of television broadcast programs for educational
purposes. They specify periods of retention and use of such off-air recordings in classrooms and
similar places devoted to instruction and for homebound instruction. The purpose of establishing
these guidelines is to provide standards for both owners and users of copyrighted television
programs. Not all producers accepted these guidelines.

1. The guidelines were developed to apply only to off-air recordings (not cable-casted only
material) by non-profit educational institutions.

2. A broadcast program may be recorded off-air simultaneously with broadcast transmission
(including simultaneous cable retransmission) and retained by a nonprofit educational
institution for a period not to exceed the first forty-five (45) consecutive calendar days
after date of recording. Upon conclusion of such retention period, all off-air recordings
must be erased or destroyed immediately. “Broadcast programs” are television programs
transmitted by television stations for reception by the general public without charge.

3. Off-air recordings may be used once by individual teachers in the course of relevant
teaching activities, and repeated once only when instructional reinforcement is necessary,
in classrooms and similar places devoted to instruction within a single building, cluster
or campus, as well as in the homes of students receiving formalized home instruction,
during the first ten (10) consecutive school days in the forty-five (45) calendar day
retention period. “School days” are school sessions days – not counting weekends,
holidays, vacations, examination periods, or other scheduled interruptions – within the
forty-five (45) calendar day retention period.

* Materials from Television Licensing Center, 1144 Wilmette Avenue, Wilmette, IL 60091
4. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.

6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.

7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

As a result of a March 10, 1983, Federal Court decision, extreme caution is urged in off-air taping of copyrighted materials. The United States District Court of western New York ruled that “any temporary videotaping and playback in classrooms of copyrighted materials readily available by rental, lease or license duplicating agreement is infringement and is not fair use!”

Although the defendants requested the court to permit temporary videotaping and playback for ten (10) days under the guidelines, the court ruled that since licensing agreements were “clearly available” the guidelines do not apply. Educators should note that a classroom showing of a videotape constitutes a “public performance” and that each performance in a classroom from illegal copies is a separate instance of infringement of the law.

Educators are advised to seek written authorization prior to copying or playback. Most producers offer works for short and long term use either by rental or license, and will supply details concerning terms and other options.
PROCEDURES FOR HANDLING OFF-THE-AIR VIDEOTAPING

Within the Roseburg Public Schools the increased availability of videotape recorders, both owned by the District and owned by teachers, has increased the responsibility of individual teachers and the District for ensuring that the legal “Guidelines for off-the-air recording of broadcast programming for educational purposes” are carefully followed.

1. Teachers in school may, by following the guidelines listed on the preceding pages, videotape programs for use in classrooms for purposes of evaluation. They must not be retained for periods beyond the time unless specific procedures are followed that are described within the guidelines laid out by Congress.

2. This provision applies to only a limited number of programs and with the exception of news programming, to no programs on commercial stations such as KPIC-TV, KOBI-TV, KEZI-TV, etc.

3. Almost all programs that are broadcast cannot be retained beyond that period of time. The assumption should be made that they cannot be retained unless specific written information is found to indicate that programs may be retained by educational institutions. IF this is found it should be kept with the material or in a files so as to protect the individual making and retaining the record.

4. THERE ARE CRIMINAL AND CIVIL PENALTIES INVOLVED IN THE FAILURE TO COMPLY WITH THESE COPYRIGHT REGULATIONS AND THE RESULTS OF THOSE PENALTIES WILL REST ON THE INDIVIDUAL WHO HAS DONE THE TAPING.

CABLECASTS

USE OF RECORDED CABLECASTS

Copyright Law forbids the using of recorded material that was originally cablecast from being covered by the provisions intended for open broadcast regulations. There is only one exception to this rule.

1. Those materials simultaneously broadcasted on local television stations. For Roseburg this would mean Channels 3, 5, and 9. It would not include stations such as those in San Francisco and Atlanta that, while broadcast stations, are not available with normal antenna systems within the Roseburg area.
Use of Prerecorded Tapes Rented from Video Outlets

This is both a copyright issue and a licensing issue. A number of videotape supply companies and the Motion Picture Association of America are beginning to rigorously enforce these regulations. It is important that School District personnel not only be aware of the regulations, but also be able to defend their use of the rented and purchased videotapes in light of the current law.

The sales of prerecorded videocassettes and videodiscs do not confer any public or performance rights upon the purchaser.

Public or performance rights conveyed only through purchase of a separate license form the copyright owner. It is a violation of Federal law to exhibit prerecorded videocassettes and videodiscs beyond the scope of the family and social acquaintances – regardless of whether or not admission is charged. Ownership of videocassettes and videodiscs does not constitute ownership of copyright.

There is, however, an exception to the above arising from Section 110(1) of the Copyright Law. This section of the law authorizes a wide variety of performances and displays in face-to-face teaching, but there are important limitations.

1. The copies must be legitimate copies, that is, either purchased from legitimate sources or leased from a licensed distributor.

2. The performances and displays must take place in a classroom or similar place devoted to instruction.

3. The performances and displays must be part of a systematic course of instruction and not for entertainment, recreation or cultural value.

4. The performances and displays must be given by the instructors or pupils.

5. The performances and displays must be given in the classroom or other place devoted to instruction and not transmitted to broadcast or cable television.

6. The performances and displays must be part of the teaching activities of a non profit educational institution.

7. The performances and displays are limited to instructor, pupils and guest lecturers.
These exclusions would prohibit the use of prerecorded videocassettes as an entertainment medium in the auditorium, or other related uses. In order to show a videotape of a film in the auditorium, or to a large group of students in a non-instructional activity, it would be necessary to rent a 16mm print of the film from a licensed distributor, or to obtain public performance rights for the videocassette.

Videotapes designed for entertainment and used in classroom instruction should be appropriate to the instructional program in the school and the maturity of the students involved. The use of videotapes with a “G” rating is ordinarily safe. However, videotapes with other ratings or unrated should always be previewed prior to classroom use and parents notified prior to their classroom use. What may be acceptable in the homes of some students may not be acceptable in the homes of other students, and great sensitivity must be taken to the choice of materials used in the school since video images are a powerful communicator and many parents are concerned about the content of materials used with their children.

Materials available form the Douglas ESD would generally be satisfactory if they are appropriate to the grade level and subject matter of the class. The concern comes with materials obtained from outside sources and these must be used with care. The fact that many materials are now easily obtainable or may be brought into the school by students does not remove the responsibility form teachers and administrators to evaluate this material prior to its use. All material used within the classrooms of this District should be previewed and evaluated by teachers prior to use.
Copyright Amendments Relating to Computer Programs

The 1976 Copyright act specified in Section 117 that Congress would extend protection to computer programs as a new kind of literary work. The Copyright Act, amended December 12, 1980, defines a computer program as follow:

A “computer program” is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

Of more crucial importance to educators is the amendment to Section 117 of Title 17 of the United States Code. This amendment states:

Notwithstanding the provision of Section 106 it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

1. that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner; or

2. that such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

…Adaptations prepared may be transferred only with the authorization of the copyright owner.

It is the intent of Roseburg Public Schools to adhere to the provisions of the copyright laws in the area of microcomputer software. It is also the intent of the school system to comply with the license agreements and/or policy statements contained in the software packages used in the district. In circumstances where the interpretation of the copyright law is ambiguous, the school shall look to the applicable license agreement to determine appropriate use of the software (or the school will abide by the approved Software Use Guidelines).
DISTRICT PROCEDURES FOR PROTECTING SOFTWARE COPYRIGHT

1. The ethical and practical implications of software piracy will be taught to educators and students in the Roseburg School District.

2. District employees will be informed that they are expected to adhere to Section 117 of the 1976 Copyright Act as amended in 1980, governing the use of software.

3. When permission is obtained from the copyright holder to use software on a disk-sharing system or network, efforts will be made to secure this software from copying.

4. Under no circumstances shall illegal copies of copyrighted software be made or used on school equipment.

5. The Principal at each school is responsible for establishing practices which will enforce this district’s copyright policy.

6. The Principal or his designee is the only individual who may sign license agreements for software use at his or her school. A signed copy of the license agreement should be on file in the school office.

7. The printed documentation accompanying the diskette or tape is protected like all other copyrighted material. It may be photocopies for a teacher’s personal use, but making copies for classroom distribution without permission or purchase is an infringement. As with the diskette or tape, copies of the printed documentation of archival purposes are permitted.

SUGGESTED SOFTWARE USE GUIDELINES

The 1976 U.S. Copyright Act and its 1980 Amendments remain vague in some areas of software use and its application to education. Where the law itself is vague, software licenses tend to be much more specific. It is therefore imperative that educators read the software’s copyright page and understand the licensing restrictions printed there. If these uses are not addressed, the following guidelines are recommended.

These guidelines do not have the force of law, but they do represent the collected opinion on fair software use by nonprofit educational agencies from a variety of experts in the software copyright field.

**Back-up Copy:** The Copyright Act is clear in permitting the owner of software a back-up copy of the software to be held for use as an archival copy in the event the original disk fails to function. Such back-up copies are not to be used on a second computer at the same time as the original is in use.

**Multiple-Loading:** The Copyright Act is most unclear as it applies to loading the contents of one disk into multiple computers for use at the same time. In the absence of a license expressly
permitting the user to load the contents of one disk into many computers for use at the same
time, it is advised that you not allow this activity to take place. The fact that you physically can
do so is irrelevant. In an effort to make it easier for schools to buy software for each computer
station, many software publishers offer lab packs and other quantity buying incentives. Contact
individual publishers for details.

**Local Area Network Software Use:** It is advised that before placing a software program on a
local area network or disk-sharing system for use by multiple users at the same time, you obtain
a written license agreement form that copyright holder giving you permission to do so. The fact
that you are able to physically load the program on the network is, again, irrelevant. You should
obtain a license permitting you to do so before you act.

**ADMINISTRATIVE PROCEDURES**
**TO IMPLEMENT DISTRICT REGULATIONS ON COPYRIGHTED COURSEWARE**

Roseburg Public Schools will comply with the requirements of the library exemption for
nonprofit educational institutions by affixing to each software package the following notice:

Warning: This computer program is protected under the copyright law. Making a copy
of this program without permission of the copyright owner may be subject to payment of
up to $100,000 damages and, in some cases, imprisonment for up to one year.

The District will abide by another provision which reads:

“In other provisions, transfer of possession of a lawfully made copy of computer software
by a nonprofit educational institution among faculty, staff, students or to another school
is not prohibited.”

The Education Service District will prepare labels and make them available for all schools to
affix to software.


