

SCHOOL DISTRICT OF WAUPACA

SERIES 300 INSTRUCTION

CODE: 368

COPYRIGHT COMPLIANCE INSTRUCTION

The District recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio visual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

- A. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship and must be nonprofit.
- B. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of the following for use in research, instruction or preparation for teaching: book chapters; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines.
- C. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. In most circumstances, copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- D. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of district staff to abide by the district's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for district staff to violate copyright requirements in order to perform their duties properly. The district cannot be responsible for any violations of the copyright law by its staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the district's procedures or is permissible under the law should contact the building principal. The latter will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

Copying Limitations

Circumstances will arise when staff are uncertain whether or not copying is prohibited. In those circumstances, the principal should be contacted. The following prohibitions have been expressly stated in guidelines agreed to by representatives of educators and authors/publishers:

- A. Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.

B. Unless expressly permitted by agreement with the publisher and authorized by district action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets and the like.

C. Staff shall not:

1. Use copies to substitute for the purchase of books, periodicals, music recordings, computer software or other copyrighted material except as permitted by district procedure;
2. Copy or use the same item from term to term without the copyright owner's permission;
3. Copy or use more than nine instances of multiple copying of protected material for one course in any one term;
4. Copy or use more than one short work or two excerpts from works of the same author in any one term; or
5. Copy or use protected material without including the notice of copyright present in the original work and the following is a satisfactory notice:
NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

ADOPTED: 121002

REVISED:

REVIEWED:

LEGAL REFERENCE: P.L. 94-553 Federal Copyright Law of 1976

CONTRACT REFERENCE:

CROSS REFERENCE:

The School District of Waupaca does not discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.