

# MIDDLETOWN AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: COPYRIGHT MATERIAL

ADOPTED: October 14, 1991

REVISED:

<p>1. Purpose P.L. 94-553 Sec. 107</p> <p>2. Definition</p>	<p style="text-align: center;">814. COPYRIGHT MATERIAL</p> <p>The Board recognizes that the United States Code makes it illegal for anyone to duplicate copyrighted materials without permission. The Board further realizes that severe penalties are provided for unauthorized copying of audio, visual, or printed materials unless the copying falls within the bounds of the "fair use" doctrine.</p> <p>Under the <b>fair use doctrine</b>, 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:</p> <ol style="list-style-type: none"> <li>1. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship and must be nonprofit.</li> <li>2. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: book chapters for use in research, instruction or preparation for teaching; 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.</li> <li>3. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.</li> <li>4. 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.</li> </ol>
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<p>3. Authority</p>	<p>Staff may make copies of copyrighted school district materials that fall within the following guidelines. Where there is reason to believe the material to be copied does not fall within these guidelines, prior permission shall be obtained from the principal. Staff members who fail to follow this policy may be held personally liable for copyright infringement.</p> <p><u>Permitted Copies</u></p> <p>1. Multiple copies, not exceeding more than one (1) per pupil, may be made for classroom use or discussion if the copying meets the tests of "brevity, spontaneity and cumulative effect" set by the following guidelines. Each copy must include a notice of copyright.</p> <p>a. Brevity</p> <ul style="list-style-type: none"><li>- A complete poem, if less than 250 words and two (2) pages long, may be copied; excerpts from longer poems cannot exceed 250 words.</li><li>- Complete articles, stories or essays of less than 2500 words or excerpts from prose works not more than 1000 words or 10% of the work, whichever is less may be copied; in any event, the minimum is 500 words.</li><li>- Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.</li><li>- One (1) chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied. "Special" works cannot be reproduced in full; this includes children's books combining poetry, prose or poetic prose.</li></ul> <p>b. Spontaneity</p> <ul style="list-style-type: none"><li>- Should be at the "instance and inspiration" of the individual teacher.</li></ul> <p>c. Cumulative Effect</p> <ul style="list-style-type: none"><li>- Teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical column during one class term. Teachers are limited to nine</li></ul>
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(9) instances of multiple copying for one course during one class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

2. A library or archive may reproduce one (1) copy or recording of a copyrighted work and distribute it if: the reproduction or distribution is made without any purpose of direct or indirect commercial advantage; the collection of the library or archives is open to the public, or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and if the reproduction or distribution of a work includes a notice of copyright. Libraries and their employees are not liable for unsupervised use.
3. Copies of materials for "face-to-face" teaching activities involving performances or displays made by students or instructors, religious services, live performances without commercial advantage, and the use of instructional broadcasts are permitted.

Prohibited Copies

1. The Act prohibits using copies to replace or substitute for anthologies, consumable works or compilations or collective works. "Consumable" works include: workbooks, exercises, standardized tests, test booklets and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals; nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a "higher authority" and students cannot be charged more than actual cost of photocopying.
2. Schools must be licensed to play copyrighted music where the performer is paid or admission is charged, even if the admission is used to cover refreshment costs.
3. Juke boxes must be licensed, and a certificate of license must be displayed on each machine.
4. Taping copyrighted audiovisual works (such as broadcasts) and using them in the classroom is not fully resolved in the new law. When such use is contemplated, a request for an approved method of such use shall be made to the Superintendent's office.