

Business/Non-Instructional Operations

Printing and Duplicating Copyrighted Material

Photocopying, Computer Software Duplication, and Videotaping for Education Purposes

This policy is intended to mandate restrictions on illegal violations of the fair use doctrine so as to ensure that practices are legal and ethical.

The Board of Education recognizes that it is illegal for anyone to duplicate copyrighted printed, audio or visual materials, and computer software unless copying falls within the bounds of fair use. Any duplication of copyrighted materials by District employees, therefore, must be done with permission of the copyright holder or within the bounds of “fair use” as described below. Appropriate administrative regulations shall provide guidelines for employee compliance with this policy.

1. Copyright Law

“Congress shall have the power to promote the progress of science and the useful arts by securing to authors and inventors for limited times the exclusive right to their writings and inventions.” (Article I., Section 3, U.S. Constitution)

The following exclusive rights are enumerated by law:

- a. To reproduce the copyrighted work...;
- b. To prepare derivative works based upon the copyrighted work;
- c. To distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- d. ...Perform the copyrighted work publicly; and
- e.To display the copyrighted work publicly (17USC106).

2. Fair Use Doctrine

In describing the purpose of “fair use,” Congress specifically mentions education and permits certain uses of copyrighted material without the copyright holder’s permission provided that four criteria are used to consider when determining if the classroom use is “fair.” These four criteria are:

- a. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- b. The nature of the copyrighted work;
- c. The amount and substantiality of the portion used in relation to the copyrighted works as a whole; and
- d. The effect of the use upon the potential market for or value of the copyrighted work (17USC107).

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(continued)

The exclusive rights and fair use doctrine are the same for computer software, and copyrighted television programs as is for other copyrighted works.

(cf. 6162.6 - Use of Copying Devices)