

COPYRIGHT GUIDELINES

The following guidelines are designed as a reference for teachers, administrators, and staff of the Stanley-Boyd School District.

In the Stanley-Boyd School district copyright policy, "Use of Copyrighted Materials," the Stanley-Boyd Board of Education fully endorses federal copyright law which sets the standards for copying print and non-print media.

Copyright defined

Copyright is a form of protection provided by the laws of the United States (Title 17, U.S. Code) to the producers of "...original works of authorship..." including literary, dramatic, musical, artistic and certain other intellectual works whereby a person's creations are protected for a lifetime period and renewable for seventy additional years, with the sole and exclusive privilege of reproducing publishing and selling those materials belonging to the person who has produced them.

A work is protected by copyright law from the moment of its creation. The protection is available for both published and unpublished works.

Fair use defined

When using a work protected by copyright law and without asking permission from the copyright holder, fair use is determined by these factors:

1. The use must be for teaching or scholarship and must be nonprofit.
2. Staff may make single copies of articles from periodicals or newspapers, short stories, essays or poems, charts, graphs, diagrams, drawings, cartoons or pictures from books for use in research, instruction or preparation for teaching.
3. Copying a whole book is not considered fair use.
4. If an economic loss to the copyright holder occurs, even a single copy of the material may be considered an infringement.

Criteria defined

The three criteria for determining whether copyright law is being followed are: brevity, spontaneity and cumulative effect.

1. Brevity: The test for brevity is determined by the nature of the material being copied. Different measures apply depending on whether the work is a poem, prose or an illustration.
2. Spontaneity: The copying is done immediately and at the inspiration of the individual teacher. The 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 request for permission to copy.
3. Cumulative effect: Deals with the amount of work that is copied over time.
 - The copying of the materials is for only one course in the school in which the copies are made.

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- Not more than one short poem, article, essay or two excerpts may be copied from the same author during the same term.
- Not more than three authors from the same collective work may be copied during the same term.
- There shall not be more than nine instances of such multiple copying for one course during one class term.

Among the most frequently copied items are consumable materials (workbooks, exercises, standardized test booklets and answer sheets.) The guidelines state that any such copying whether single or multiple copies, is not fair use and constitutes a definite infringement.

All copies must contain the notice of copyright present in the original work (i.e., marked with the phrase, “NOTICE: This material may be protected by copyright law.”)

Print, music and audiovisual

Teachers may:

1. Make a single copy of the following:
 - A chapter from a book.
 - An article from a periodical or newspaper.
 - A short story, short essay or short poem.
 - A chart, graph, diagram, drawing, cartoon or picture book from a book, periodical or newspaper.
 - A short excerpt (up to 10%) from a performable unit of music such as a song, movement, or section for study purposes.
2. Make multiple copies (not to exceed one per student) for classroom use of the following:
 - A complete poem if less than 250 words.
 - A poetic excerpt if less than 250 words.
 - A prose excerpt of from 500 to 1,000 words.
 - One illustration (chart, graph, drawing, cartoon or picture) per book or periodical issue.
 - An excerpt of up to two pages of “Special words” containing words and pictures.
 - Up to 10% of a performable unit of music (song, movement, section) for academic purposes other than performances.
3. Make a single recording of student performances for evaluation, rehearsal or archival purposes.
4. Make a single recording of aural exercises or examination questions using excerpts from recorded copyrighted materials.
5. Make an emergency replacement copy to substitute for a purchased copy that is not available for imminent musical performance.

Teachers may not:

1. Copy to make anthologies or compilations or to replace or substitute for them.
2. Copy from works intended to be consumable (workbooks, exercises, standardized test booklets and answer sheets.)
3. Copy to substitute for purchase of books, periodicals music or recordings.
4. Copy on direction from higher authority (supervisor, coordination teacher or principal.)
5. Copy the same item from term to term without securing permission.

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6. Utilize more than nine instances of multiple copying per course.
7. Copy more than one short work or two excerpts from one author's works in any one term.
8. Employ a successive use of multiple copying developed by another teacher without securing permission from the copyright owner.
9. Make copies of music or lyrics for performance of any kind in the classroom or outside of it, with the emergency exception noted in item (e) of the "Teacher May" section.
10. Copy protected materials without inclusion of a notice of copyright.
11. Charge students more than the actual cost of the authorized copies.

Teachers should not ask other school staff members to do copying that does not follow the fair use laws. It may make these individuals liable for the infringement along with the individual initiating such a request.

Teachers should instruct students about the implications of copyright.

Videotaping

1. Copies of any of the following video recordings may be made by an individual:
 - "In house" productions.
 - A work that is not copyrighted or works in the public domain.
 - Copies made under "permission to copy" arrangements.
2. The following broadcast television programs may be copied by an individual:
 - Instructional television programs (subject to any specific rights limitations).
 - Broadcast programs that will be used within ten days of the original broadcast.
 - Programs with specified "permission to copy" arrangements.
3. Programs may be copied from cable television only if permission to use a given program has been granted to all educators or specifically to an individual teacher who has requested such permission.
4. These tapings are prohibited:
 - (a.) Copying from premium channels: HBO, the Disney Channel; broadcast channels: ESPN, MTV, Nickelodeon, Arts & Entertainment.
 - (b.) Duplicating copyrighted video recordings.
 - (c.) Copying from one format to another (VHS to disc)
 - Copying off-air or cable programs for the purpose of entertainment or reward.
 - At-home copying of programs from broadcast or cable television for use in school, except as allowed in point 2 of this section.
 - Using illegally obtained copies of video recordings in a school setting.
5. Rented or purchased "Home Use Only" video recordings may be used in the classroom as part of face-to-face instruction only, not as entertainment or reward.
6. The viewing of video recordings with "Public Performance Rights" restricted.