

Record Keeping

Each school building will establish a central place to file various records which pertain to copyright law compliance:

1. Permission to duplicate print materials including sheet music.
2. Site licenses, network licenses, and other permission to copy microcomputer software.
3. Logs of off-air videotaping, including indications of erasure dates.
4. Logs of all videotapes rented from home video outlets that are used in the building.
5. Any other permission in whatever form, including letters, notes from phone calls, book and periodical addenda and attachments, etc.

Signs, Warnings, and Notices

1. A sign with the following warning will be prominently displayed near all photocopy machines: "The Copyright Law of the United States (PL94-553, Section 108) governs the making of copies of copyrighted materials. The person using this equipment is liable for any infringement."
2. A rubber stamp or a supply of pre-printed self-adhesive labels with the following notice will be placed near all photocopy machines: "This material may be protected by the U.S. Copyright Law."
3. The following warning will be attached to all equipment designed for making copies of non-print media, including dual cassette recorders, computers with dual disk drives, photographic copy stands, etc.: "This equipment may not be used to make unauthorized copies of copyrighted materials."

Single Copies

Under the doctrine of fair use, teachers may copy or have copied for research or preparation, a single copy of selected portions of print material. Generally, such copying should be limited to the following:

1. One chapter or less of a book
2. One article from a periodical or newspaper
3. One short story, essay, or poem from a book
4. One chart, graph, or picture from a book, periodical, or newspaper

Multiple Copies

Multiple copies of any of the above (one copy per student in a course) may be made, except that: (a) The poem may not be longer than 250 words; (b) The story, article, essay, or chapter must be less than 2,500 words; (c) Regarding longer works, ten percent of the work or 1,000 words, whichever is less, may be copied; (d) All of the copies must bear the copyright notice.

1. Copies of the current news sections of newspapers and periodicals **must not be:** (a) more than one short poem, article, story, or essay, (b) more than two excerpts from the same author nor more than three from the same collective work or periodical volume during one class term, and (c) more than nine instances of such multiple copying for one course during one class term.
2. Copying should not substitute for the purchase of material, should not be directed by higher authority, and should not be repeated (the same materials being copied by the same teacher from term to term).
3. Permission may be obtained from the copyright holder to exceed the limitations of the Copyright Law. Copies of the written permission will be kept on file with the document original.
4. Special note must be made of "consumable" works. Copyrighted workbooks, exercise books, answer sheets, etc., must never be copied, with the single exception that a transparency may be made to teach or illustrate their use.

Off-Air Videotaping

Broadcast video programs may be recorded off-air and retained by schools for a period not to exceed 45 calendar days after the date of the recording. The recorded program may be used only once with each class in a face to face teaching situation and may be shown once again for review or reinforcement all within 10 consecutive school days after the recording date. For the remainder of the 45 day retention period, the tape may be used only for teacher evaluation purposes. The tape must be erased at the end of the 45 day period.

Special rules which may be more generous or more restrictive apply to programs appearing on PBS and its member stations. Guidelines for taping and retention rights for specific programs appear in the Wisconsin Public Television booklet "Parade of Programs." For evening programming, contact NIBS at 839-6138.

1. Off-air recordings may be made only at the request of individual teachers and may not be regularly recorded in anticipation of requests.
2. No program may be recorded more than once at the request of the same teacher, regardless of the number of times it is broadcast.

3. Copies of legally made recordings may be made to meet the legitimate needs of teachers. Copies are subject to the same limitations as the originals.
4. The program must be recorded in its entirety, including copyright notice, and may not be altered. Programs may not be combined to produce teaching anthologies. Programs need not be used in their entirety.
5. Programs may be recorded by individual teachers and used at school, but the same restrictions apply. Such programs must be entered in the school "Video Usage Log."
6. In the absence of written permission from the copyright holder, programs that appear on the subscription cable channels (HBO, Cinemax, Disney, etc.) may never be videotaped or used in the school setting.
7. Videotaping programs may not be shown for entertainment purposes and may not be used for public viewing.

Purchased and Rented Videotapes

It is important to remember that ownership of a videotape is different from ownership of its copyright and that rental of a videotape endows the renter with limited rights:

1. Copyrighted videotapes owned or rented by schools generally may be used by instructors only in face to face teaching situations. These videotapes are often marked "For Home Use Only." They may not be used for reward or entertainment in a classroom.
2. "For Home Use Only" videos will not knowingly be loaned to groups for public performances.
3. Any duplication of owned or rented copyrighted videotapes in the absence of written permission from the copyright holder is illegal.
4. In the event that public performance rights are needed (if the program is to be shown for reward, entertainment, or as a profit-making enterprise) the videotape must be rented from a company that can grant those rights, e.g. Swank, Films Inc., etc.
5. An adequate monitoring and enforcement system will be established which will include a "Videotape Usage Log" wherein all materials not originating with the Media Center are noted with full citations.

Use of Computers and Software

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Unauthorized copying and use of software deprives publishers, authors and developers of a fair return for their work, increases prices, reduces the level of future support and enhancements and can inhibit the development of new software products.

Use of Computers and Software (continued)

Students, teachers, department heads or unit leaders, media specialists, building administrators and the District Copyright Officer all have differing responsibilities in assuring that all computers are in compliance with the copyright laws. Those in positions of authority should discourage software piracy in the strongest terms and model appropriate practices.

When computer software is purchased, a license is acquired to use the software from the company that owns the copyrights on the software. The conditions and restrictions of the license agreement vary from program to program and should be read carefully. Typical software licenses stipulate that:

- the software is covered by copyright.
- modifications to the software are not allowed.
- decompiling is not allowed without permission.
- making derivative works is not allowed without permission.

In the absence of a license or other permission to do so, it is illegal to make copies of a copyrighted computer program. This means that the program may not be installed on more computers than the licensing or permissions permit. In the absence of specific permission from the publisher to do so, software licensed to the district may not be installed on a home computer. Similarly, if a personal copy of software is purchased and installed on a home computer, it may not be simultaneously installed on a district computer unless the license so specifies.

Evidence of legal acquisition of all software installed on local computers must be available in the building where it is held. This may be a printed license, the original software box, a manual, a purchase order, a letter, or a record on the library automation system, which includes purchasing information. In elementary schools, the media specialist will keep the licenses. In secondary schools, the technology specialist will keep the licenses. Because permissions vary so widely in form, great care must be taken to document all installations and to keep all records in a safe and centralized place. Limited-duration demo downloads of commercial software should be thoroughly documented as well, and deleted promptly when the demo period has expired.

By definition, libraries may not lend to students software that requires installation of the program to run. However, executable files that are necessary to run a CD-dependent program (i.e., the Broderbund Living Books) are not copyrighted, and such CD's may be checked out. Similarly, files installed when AutoRun or DirectX are invoked are not copyrighted.

Shareware is covered by copyright. Selling software as shareware is a marketing decision; it does not change the legal requirements with regard to copyright, which are often identical to other types of commercial software. Care should be taken that trial downloads of shareware be deleted promptly when the trial period is over. Freeware is also covered by copyright, but has more liberal policies as defined by the copyright holder.

Be aware that the purchase of an upgrade does not automatically grant rights to use both the earlier version and the upgrade in the absence of specific permission to do so. This inconsistency has the effect of greatly complicating documentation.

Operating systems are copyrighted and licensed, as are most virus protection programs, and disk protection and recovery programs.

The Internet

If a copyright owner makes material available on the Internet, it does not mean that the material is available for reproduction by others or that it is in the public domain. The existing Copyright Law applies equally to material on the Internet; all of the fair use rights and restrictions that apply to printed materials apply equally to material on the Internet. Multiple print copies from data bases and CD's like electronic encyclopedias are subject to the same "fair use" provisions as material originally in print form.

Because the electronic market exposes works to a higher risk of piracy and other unauthorized use, exceptional care must be taken to follow the letter and the spirit of the law. Assume all software is copyrighted even if it does not bear the copyright symbol; material is automatically copyrighted as soon as it is published in any tangible or electronic form. When the "Multiple Copies for Classroom Use" provision of the fair use restriction is invoked electronically, care must be taken that such use does not reach an audience outside the local network.

Copyrighted materials found on the Internet must not be mirrored, re-sited, displayed or otherwise electronically republished from a district computer without permission. When permission has been granted for such use, the copyright information must be published as well.

Students can easily download and install copyrighted programs on school computers. This practice is forbidden, and efforts to control such installations should be documented.

Sheet Music

With the following exceptions, copyrighted music may not be copied:

1. Provided that replacement copies have been ordered, emergency copies of printed music may be made for an imminent performance. These copies must be destroyed in due course.

2. Up to ten percent of a work may be copied for class study as long as it does not constitute a performable unit.
3. Music may be edited or simplified, but the lyrics may not be changed.
4. Single copies of out of print music may be made for research or study.
5. As with other media, lawful copies of sheet music must include the copyright notice.

Recorded Music

1. Copyrighted records, tapes, or compact discs may not be copied except that a single copy of a sound recording owned by a school may be made for the purpose of constructing an aural exercise or examination.
2. Copyrighted sound recordings may be used to accompany audiovisual presentations but may not be copied for this purpose.
3. The Eau Claire Area School District owns copyright-free music which may be used in audiovisual productions.

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