

COPYRIGHT POLICY
MOBILE COUNTY PUBLIC SCHOOL SYSTEM

Copyright Policy

Mobile County Public School System recognizes that federal law states that it is 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 of audiovisual or printed materials, and computer software, unless the copying or using conforms to the "fair use" doctrine.

While the system encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of the system staff to abide by the system's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for system staff to violate copyright requirements in order to perform their duties properly.

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

In accordance with copyright compliance, copyright regulations will be prominently posted at all areas where materials may be reproduced without supervision.

Copyright Procedures

What is Copyright? (Title 17, United States Code)

Copyright is a property right granted to authors and creators of works. Copyright is necessary to advance the public welfare by promoting artistic and scientific progress. (Title 17, United States Code)

Length of Time Protected:

Life of author/creator + 70 years (Sonny Bono Extension Act)

Works Eligible for Protection:

Any tangible medium of expression, now known or later developed, which can be perceived, reproduced, or otherwise communicated, either with the aid of machine or device.

What are Copyright Owners' Rights?

- The right to reproduce or copy the work
- The right to prepare derivative works
- The right to distribute to the public
- The right to public performance of the work
- The right to public display of the work
- The right to digitally transmit recordings (digital author's right)

What is "Fair Use"?

"Fair Use" refers to permissible uses of copyrighted materials when certain conditions have been met. These four criteria of "Fair Use" must all be met:

1. The use of the work must be for nonprofit educational purposes;
2. The nature of the copyrighted work must be considered;
3. The portion of the copyrighted work used must meet the tests of brevity, spontaneity, and cumulative effect;
4. The effect of the use will not be a detriment to the potential market value of the copyrighted work.

In order to apply copyright laws, there are several rules of "Fair Use" that should be applied when asking if one is staying within copyright guidelines and law. These tests are for Brevity, Spontaneity, and Cumulative Effect.

Brevity – The test for brevity has to do with the amount of material you copy from a work. As a general rule, it should not exceed 10% of the whole work. Other rules for this test include:

- A complete poem if less than 250 words; or an excerpt from a longer poem, but not to exceed 250 words;
- An essay or any such work of 2,500 words or less;

- Special works that combine prose, poetry and/or illustrations may be used but not more than 10% of the whole;
- An excerpt from a larger printed work not to exceed 10% of the whole or 1,000 words, whichever is less, per class term;
- One chart, graph, diagram, cartoon, or picture per work.

Spontaneity - The test for spontaneity has to do with time: seizing the moment.

Copying should be at the instance and inspiration of the teacher. This occurs when the inspiration and 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 reply to a request for permission.

Cumulative Effect – This test has to do with the amount of work that is copied over time:

- The copying of the material is for only one course in the school in which the copies are made;
- Not more than one short poem, article, story, 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.

Rules for Copying Materials from Works

Print Media

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- 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 a picture from a book, periodical, or newspaper;
- A slide or overhead transparency, as long as the creation does not exceed 10% of photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.

Multiple copies, not to exceed in any event more than one copy per pupil in a course, may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- Each copy includes a notice of copyright;
- The copying meets the tests of brevity, spontaneity, and cumulative effect;
- The same teacher does not use the material repeatedly from term to term;

- Not more than nine classroom sets are used in one term;
- Sets are destroyed after the permitted use;
- It complies with the “Fair Use” guidelines;

Electronic Media

The Digital Millennium Copyright Act of 1998 grants permission for libraries to digitize other media in formats that are not useable because the equipment to use the format is obsolete. The digitized copy can only be used for archival/research use, not for classroom use.

Software and Multimedia

Software:

- A single copy of a software program may only be loaded on a single machine unless otherwise noted in the documentation that comes with the software.
- Site licensed software may only be used as described in the license.
- Network versions of software may only be accessed by the number of machines for which the license was purchased.
- Some software products allow teachers and/or students to take home a “home” version. If teachers or students do this, they must abide by the instructions that accompany the software package and license.
- It is in the best interest of all schools to keep good records of software licenses. Keeping a notebook with all licenses and purchase orders is suggested.
- Copying a portion of copyrighted material to be included in a student and/or teacher produced presentation must meet the “fair use” copyright guidelines.
- An image copied may not be altered or modified into something different from the intent of the copyright holder.

Electronic Databases:

- Regulations are usually defined in the contract and/or license agreements.
- Review contracts or license agreements and be aware of all conditions.
- Do not retain extra copies or archival copies of a downloaded search.
- Do not use downloaded materials to create a derivative work.
- Appropriate notices regarding downloading from databases will be posted near computers.

Internet & World Wide Web

- Assume all materials on the Internet are copyrighted.
- Small portions of web documents may be used for teaching due to lack of time to secure permissions, otherwise obtain permission(s).
- If you know the Internet information is in the public domain, then it is acceptable to download.

- Students may copy HTML code (not the content) and print it out for scholarship and research.
- Links may be made to other web locations on a personal web site.
- Copyrighted software may not be uploaded from the Internet.
- Materials may not be collected from the Internet to compile into a new work.
- Do not post a picture by the student with student name next to the picture.
- Student photos may not be posted without parental permission.
- Student names should not be posted with pictures.
- Only educational personnel may be the contact for a web site or page.

Designing Web Pages and the Law:

- The copyright laws apply when you are designing web pages.
- It is a copyright violation to grab Internet sites for use on another server.
- The “Fair Use” rules apply.
- Teachers and students may use a small amount for classroom use. However, many graphics and pictures on the web are most likely copyrighted.
- If there is a statement that the site is public domain or can be copied by teachers, etc., then you have permission to copy.

Internet or Online Service Providers (ISPs or OSPs:)

- These may be libraries or educational institutions
- Limit liability by designating an agent to receive copyright notices and send to subscribers.
- Post a policy to comply with takedown and put back provisions in case of disputed materials.
- Do not place material online nor modify. Material-copies must be in transient storage no longer than reasonably necessary.
- ISPs or OSPs are not required to actively monitor system use or seek out offenders, except under normal system maintenance.

Distance Education:

- You may transmit a performance of a nondramatic literary or musical work.
- A performance of any other work, including dramatic works and audiovisual works, but only in reasonable and limited portions are acceptable.
- Displays of any work in an amount comparable to that which is typically displayed in the course of a live classroom session are also acceptable.
- You may use public domain materials in a distance course.
- You may not copy a copyrighted video for a distance course without permission.
- Limit access to course materials.
- Get permission for works you will use repeatedly.
- Remember course use and “Fair Use” may not be the same thing.

Email:

- Paraphrasing someone else’s email message is acceptable.

- Get permission to copy an entire email message, send a message to someone else, or post to electronic discussion group.

Videos

“Fair Use” rules for videos must be observed unless you have a license for public performance of a video.

- Teachers or students must present the video.
- The video must be a part of face-to-face teaching activities. It must directly relate to the curriculum and the current lesson. “Home Use Only” videos may not be used for entertainment or reward.
- The presentation must occur at school in a classroom or similar educational setting.
- The video must be legally obtained.

Off-Air Taping of Videos:

- Programs must be for direct instruction, not entertainment or reward.
- Taping must be from open-air broadcasts for which no payment is made to receive programs. (No cable, satellite programs unless they are a retransmission.)
- A video taped off-air may be kept for 45 calendar days. Then it must be erased.
- The video may only be used with students during the first 10 school days after it is taped.
- The library media specialist may only record requested programs. He/She may not record programs in anticipation of teacher requests.
- No program may be recorded multiple times for the same teacher, even if it is a rebroadcast.
- The program must be recorded in its entirety. It may not be edited or altered.

Authorized Reproduction and Use of Copyrighted Music

- For academic purposes, other than performance, teachers may make a single copy of an entire performable unit (section), movement, aria, etc. from a printed musical work that is (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, for purposes of preparing for instruction.
- A teacher may make multiple copies not exceeding one copy per pupil for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a selection, movement, or aria. In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been

lost, destroyed or are otherwise not available, provided that purchased copies shall be substituted in due course.

- A teacher may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.
- A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works owned by the school or the individual teacher for use as aural exercises or examination questions.
- A teacher may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics shall not be altered or added if none exist.
- Copying cannot be used to create, replace or substitute for anthologies, compilations or collective works; copying of consumable works is prohibited. Copying for the purpose of performance is prohibited, except in the case of an emergency as set forth above, and copying for the purpose of substituting for the purchase of music is prohibited, except as set forth in the first and second paragraphs above. All copies must include the copyright notice appearing on the printed copy.
- Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

If the requirements of the foregoing paragraph are not satisfied, performances of nondramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:

- The performance is not for a commercial purpose;
- None of the performers, promoters or organizers are compensated; and
- (1) There is no direct or indirect admission charge;
or
(2) Admission fees are used for educational or charitable purposes only
provided that the copyright owner has not objected to the performance.

All other musical performances require permission from the copyright owner.

We would like to gratefully acknowledge the following sources for their permission to use portions of their copyright policies:

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