

COPYRIGHTED MATERIAL & INTELLECTUAL PROPERTY

Copyright Prohibitions

The District shall abide by the provisions of copyright law, including Fair Use Standards. The District prohibits illegal duplication in any form. Copyright materials, whether they are print or non-print; published online; or in the form of software, music, a digital medium, or a performance shall not be duplicated or performed unless such use is permitted under law or unless appropriate written permission from the copyright holder has been received and, if applicable, royalties paid.

Compliance

Each school office should maintain copies of federal Fair Use guidelines and federal Fair Use Standards for off-air taping of copyrighted audio and audiovisual works. Legal counsel shall review any proposed usage beyond the guidelines.

The Superintendent will issue memorandums regarding this policy and federal Fair Use Guidelines to employees as needed, post notices of copyright law and this policy in appropriate locations, ensure that filtering software is in place on district networks to prevent illegal downloading and file sharing, and notify students of this policy through the use of student handbooks.

Fair Use Principals

Under the fair use doctrine, copyrighted materials may be reproduced without authorization for the purposes of criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research following these general guidelines:

PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes of teaching or scholarship and must be nonprofit, not commercial.

NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: a chapter of a book for such use as instruction, preparation for teaching or research; an article from a periodical or newspaper; a short story, essay or poem and a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use: copying a small portion may be considered fair use if appropriate guidelines are followed. The amount and substantiality of the portion used must be reasonable.

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, making even a single copy of certain materials may be an infringement; and making multiple copies presents the danger of greater penalties, thus, the potential market value of the work should not be affected.

Intellectual Property

Any copyrightable work produced by a district employee within the scope of his/her duties is considered “work made for hire.” The District owns all copyrightable rights to these items. Employees have no right to use such work outside the scope of their district duties without the board’s permission. “Work made for hire” must remain with the District upon separation.

The Board authorizes the Superintendent to sell “work made for hire” products to other school systems, organizations, or commercial firms.

Violations

Administration shall investigate all complaints of alleged copyright violations.

Students and employees who willfully disregard the district’s copyright position are in violation of board policy and shall be subject to disciplinary consequences in accordance with applicable policies and law. In addition, employees who willfully disregard this policy do so at their own risk and assume all liability. The District may also deem employees who willfully violate copyright laws to be acting outside the scope of employment.

Complementing Policy:

- ACDA, Technology Acceptable Use Policy For Staff And Students

End of Jamestown Public School District Policy ABCA..... Adopted: 11/16/2020