

Copyright Compliance

The West Salem School District requires all employees and users of district-owned materials to be knowledgeable of and abide by the provisions of Copyright Law (Public Law 94-553, Title 17 and Public Law 96-517 Section 7(b)), including the Fair Use doctrine, and the guidelines that have been negotiated to help educators interpret the law. These resources may be accessed online or by contacting an LMC Specialist.

Guidelines:

All copying not specifically allowed by the current copyright law, Fair Use guidelines, license agreements or copyright holder's permission is prohibited. The use of district equipment for the purpose of violating copyright law is prohibited.

The 1976 Fair Use law reads, "Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phono-records or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright"

Under the Fair Use doctrine, reproduction of copyrighted materials is permissible by a non-profit educational institution for such purposes as outlined in the four criteria of Fair Use:

- A. Purpose and Character of Use
 - (1) For purposes of teaching and/or scholarship
 - (2) Must be a non-profit institution
- B. Nature of the Copyrighted Work
 - (1) Staff may make single copies for research, instruction or preparation for teaching
 - (2) Staff may make multiple copies only under the rule of spontaneity
- C. Amount and Substantiality of the Portion Used
 - (1) In most circumstances, copying the whole of a work cannot be considered Fair Use

(2) Copying a small portion may be if guidelines are followed

D. Effect on the Market Place

If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

The liability for willful infringement of copyright law is placed on the district employee or user of district materials making or requesting the copy. West Salem School District assumes no responsibility and will provide no legal assistance.

The West Salem School Board and administration will support any district employee who is subject to legal action if that employee believed the copying was Fair Use, as described in Public Law 94-553, Section 107.

A district employee is forbidden to direct another employee to willfully violate the copyright law or Fair Use provision.

The West Salem School District will provide the following support and resources to educate its employees on the copyright law:

- (1) Annual training and continual access to established guidelines
- (2) Appropriate placement of notices warning of copyright infringement
- (3) An appointed copyright officer as a resource
- (4) Development and retention of appropriate copyright records

While the West Salem School District encourages its staff to enrich their learning by making proper use of materials, it is the responsibility of staff to abide by the district's copying policies and procedures and obey the requirements of the law. In no circumstances shall it be necessary for district 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 district's procedures or is permissible under the law should contact the building principal or the person designated as the copyright officer.

Copyright Basics Circular from the US Copyright Office
<http://www.loc.gov/copyright/circs/circ.html>

Digital Millennium Copyright Act
<http://thomas.loc.gov/cgi-bin/query/z?c105:h.lr.2281.enr>:

Fair Use Guidelines for Educational Multimedia
The Guidelines for Educational Uses of Music
<http://www.musiclibraryassoc.org/Copyright/guidemed.htm>

Guidelines for Off-Air Recording of Broadcast Programming
for Educational Purposes
http://www.pbs.org/teachersource/copyright/copyright_fairuse.shtm

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