

E-23 DUPLICATION OF PRINT AND NON-PRINT MEDIA ("COPYRIGHT")

All school district personnel are assured that the complete facilities of the district are available to assist them in their educational assignments. These Acomplete facilities@ include equipment for the reproduction of print and non-print materials including text, images, audio, video, and digital software either in single or multiple copies. All personnel, both certified and support, are reminded that unauthorized reproduction and/or misuse of copyrighted materials is illegal and unethical and are cautioned that violations of the copyright laws may result in criminal or civil suits and/or suspension or dismissal from employment in the district.

For the protection of individual staff members and the district against legal redress for alleged violations of the copyright laws, the person making the reproduction must be certain that the action is within the law.

In essence, four factors determine what is fair use with the latter of each point favoring fair use:

1. Purpose: whether the use is commercial or educational
2. Nature: highly creative (art, music, films, novels) or nonfiction based
3. Amount: large portion of the work or small amount
4. Effect: replaces sale of copyrighted work or would not impact market value

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of these purposes:

1. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship, and must be nonprofit. Fair use would probably allow teachers acting on their own to copy small portions of a work for the classroom, but would not allow a school system or institution to do so.
2. THE NATURE OF THE COPYRIGHTED WORK. Copying portions of a news article may fall under fair use, but not copying from a workbook designed for a course of study.

3. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use; copying a small portion may be. At the same time, however, extracting a short sequence from a video film may be far different than a short excerpt from a textbook, because two or three minutes out of a 20-minute film might be the very essence of that production, and thus outside fair use. Under normal circumstances, extracting small amounts out of an entire work would be fair use, but a quantitative test alone does not suffice.
4. THE 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, even making a single copy of certain materials is an infringement, and making multiple copies presents the danger of greater penalties.

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