## 814. COPYRIGHT MATERIAL

1. Authority
   U.S. Const.
   Art. I Sec. 8,
   Clause 8
   17 U.S.C.
   Sec. 101 et seq

Spring-Ford Area School District recognizes that the federal Constitution grants authors and creators certain rights to protect their property as a means of promoting and advancing knowledge, and that Congress enforces these rights through U.S. Copyright Law. In addition, Congress has enacted The Digital Millennium Copyright Act (DMCA) providing for limitations on infringement liability for educational institutions that are service providers, for preventing the circumvention of technological protection measures, for promoting distance learning through digital technologies, and for maintenance and development of digital libraries to accommodate digital technologies and evolving preservation practices.

At the same time, the school district recognizes that Congress and the courts have provided that sometimes reproducing, publishing, displaying, distributing, or performing someone else’s work is not harmful to that person and that using the work is an important part of public discourse. Therefore, special exceptions from liability are permitted when:

1. Prior permission is granted from the copyright owner.
2. A license agreement has been executed.
3. The conditions for statutory limitations on exclusive rights of copyrighted works are met, such as principles related to:
   a. Fair use.
   b. Reproductions by librarians.
   c. Performances and/or displays.
   d. The TEACH Act.
   e. Ephemeral recordings.
2. **Definitions**

**Copyright protection** - applies to original works of authorship fixed in a tangible medium of expression that can be perceived, reproduced, or communicated, either directly or with the aid of a machine or device. The works include the following categories:

1. Literary works.
2. Musical works, including any accompanying words.
3. Dramatic works, including any accompanying music.
4. Pantomimes and choreographic works.
5. Pictorial, graphic and sculptured works.
6. Motion pictures and other audio-video works.
7. Sound recordings.
8. Architectural works.

Copyright protection extends to most computer software, which is typically protected as a literary work.

The author of a work of visual art may have the rights of attribution and integrity.

**Copyright does not** protect ideas, procedures, processes, systems, methods of operation, concepts, principles, or discoveries, regardless of the form in which it is described, explained, illustrated or embodied in the work.

**Rights** - granted solely to the copyright owner include the right to:

1. Reproduce the copyrighted work in copies or phonorecords.
2. Prepare derivative works based upon the copyrighted work.
3. Distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending.
4. In the case of literary, musical, dramatic, and choreographic works, pantomime, and motion pictures, or other audiovisual works, to perform the copyrighted work publicly.

5. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly.

6. In the case of sound recordings, to perform the work publicly by means of digital audio transmissions.

3. Delegation of Responsibility

   The Superintendent shall provide a Spring-Ford Area School District Copyright Guidelines Handbook for employees and students to guide them in compliance with copyright statutes, regulations, laws and this policy. In addition, the Superintendent, or designee(s), shall provide training for employees and instructional sessions for students to assist them in complying with the copyright requirements. The Copyright Guidelines Handbook shall include, but not be limited to, legal requirements of the Copyright Act, including The TEACH ACT, and the DMCA.

   It shall be the responsibility of the Superintendent/designee to provide leadership for proper training and for enforcement of the Copyright Act, DMCA, this policy and the requirements provided in the Copyright Guidelines Handbook.

4. Guidelines

   Federal laws, cases, and guidelines pertaining to copyright will govern the use of material accessed through the school district resources. Users will make a standard practice of requesting permission from the holder of the work and complying with license agreements. Employees will instruct students to respect copyrights, request permission when appropriate, and comply with license agreements, and employees will respect and comply as well.

   Violations of copyright law can be a felony and the law allows a court to hold individuals personally responsible for infringing the law. The school district does not permit illegal acts pertaining to the copyright law. Therefore, any user violating the copyright law does so at their own risk and assumes all liability.

   Violations of copyright law include, but are not limited to, the making of unauthorized copies of any copyrighted material (such as commercial software, text, graphic images, audio and video recording), distributing copyrighted materials over computer networks, and deep-linking and framing into the content of others’ web sites.
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<th>Pol. 815</th>
<th>Finally, employees and students may not circumvent technological protection measures unless permitted by law.</th>
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References:

U.S. Constitution – U.S. Const. Art. I Sec. 8, Clause 8


Board Policy – 815