

Copyright

[Click here](#) to print out the copyright flyer that all employees should have as a handy quick reference for common issues.

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Web Resources

Activity: **Taking the Mystery out of Copyright**

Campus Guide to Copyright Compliance:

<http://www.copyright.com/Services/copyrightoncampus/basics/fairuse.html>

Copyright Alliance Education Foundation: <http://www.copyrightfoundation.org/>

Copyright and plagiarism guidelines for students: <http://www.carolsimpson.com/>

Copyright law: <http://www.copyright.gov/title17/>

Copyright law interpretation: <http://www.beckercopyright.com/>

Exceptions for Instructors eTool: <http://librarycopyright.net/etool>

Fair Use Evaluator: <http://www.wo.ala.org/districtdispatch/?p=3207>

Troup County School System Copyright Policy

Troup County School System policy regarding copyright states that use of copyrighted materials by its employees must be done with permission of the copyright holder or within the bounds of "fair use". Educational or instructional use of materials does not give educators free reign in all uses of all such materials.

It is the responsibility of each school system employee to become familiar with copyright policy and to use copyrighted resources in an appropriate and legal manner. It is also recognized that the school's principal and media specialist as well as the superintendent and board of education may also be held liable for copyright infringement by system employees.

"Fair use" has been defined as the right to use copyrighted materials in a reasonable manner without the consent of the author. Under the doctrine of "fair use" certain copying can be done. At present, fair use is not clearly defined in all areas, especially the nonprint categories.

The following parameters are accepted as standard operating procedures relative to copyright. Legal copying must fall under the criteria for "fair use". Fair use takes into consideration:

the purpose and nature of the use including whether such use is of a commercial nature or is for nonprofit educational purposes.

nature of the copyrighted work.

the amount as related to the work as a whole.

effect on potential market for, or value of, the copyrighted work.

Caution must be exercised in the interpretation of "fair use". It cannot be assumed that copying (print and nonprint) done for educational purposes automatically falls within the doctrine of "fair use". The four (4) general criteria for "fair use" are more clearly defined in the interpretations of BREVITY, SPONTANEITY, and CUMULATIVE EFFECT.

BREVITY:

1. Poetry: (a) a complete poem if less than 250 words and if printed on not more than two pages or (b) from a longer poem: an excerpt of not more than 250 words.
2. Prose: (a) either a complete article, story or essay of less than 2500 words or (b) an excerpt from any prose work of not more than 1000 words or ten percent of the work, whichever is less, but in any event, a minimum of 500 words.(Each of the numerical limits stated in items 1 and 2 above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)
3. Illustration: one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
4. "Special works": Certain works in poetry, prose, or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2500 words in their entirety. Paragraph number two above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof may be reproduced.

SPONTANEITY:

1. The copying is at the instance and inspiration of the individual teacher, and
2. 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:

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term.(The limitations stated in items 2 and 3 above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

COPYRIGHT GUIDELINES

Photocopies of books and periodicals

1. Single copying for teachers:

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

- A. A chapter in a book
- B. An article from a periodical or newspaper
- C. A short story, short essay or short poem, whether or not from a collective work
- D. A chart, graph, diagram, drawing, cartoon (not syndicated cartoon character), or picture from a book, periodical or newspaper

2. Multiple copies for classroom use may be made of:

- A. A complete poem if less than 250 words and if printed on not more than two pages
- B. An excerpt from a long poem, but not to exceed 250 words
- C. A complete article, story or essay of less than 2,500 words or an excerpt, not more than 1000 words, from a larger printed work not to exceed 10% of the whole, whichever of the preceding is less
- D. One chart, graph, diagram, cartoon, or picture per book or periodical issue
- E. Special works that combine prose, poetry, and illustrations, but limited to not more than 10% of the total
- F. All of the above must bear the copyright notice

Music

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a selection, movement or aria, but in no case more than 10% of the whole part. The number of copies shall not exceed one copy per pupil.
3. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added, if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a tape, disc, or a cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)
6. Prohibitions:

- A. Copying to create or replace or substitute for anthologies, compilations or collective works

- B. Copying of or from works intended to be "consumable" in the course of study or of teaching, such as workbooks, exercises, standardized tests and answer sheet and like materials
- C. Copying for the purpose of performance, except as in Guideline 1 (above)
- D. Copying for the purpose of substituting for the purchase of music, except as in Guideline 1-2 (above)
- E. Copying without inclusion of the copyright notice which appears on the printed copy

Music copyright and the Internet

Downloading music off the Internet without purchasing it is a copyright infringement unless permission has been obtained from the owner of the copyright to copy the music. This is a violation of the copyright law. By downloading copies, an individual has chosen not to purchase the music himself or herself and is therefore illegally taking profit away from the copyright owner.

Royalty-free music for educational purposes may be found at <http://www.royaltyfreemusic.com/free-music-resources.html> . Scroll down to the Music Promo Login on the right side to log on.

For more info, go to What Music Teachers Need to Know (<http://www.menc.org/resources/view/copyright-law-what-music-teachers-need-to-know>)

Instructional video

Off-air recording (fair use):

The privilege of off-air recording applies only to non-profit, educational institutions. (Note: Programs that are recorded must be used directly for instruction, not for entertainment, reward, etc.)

A broadcast program may be recorded off-air simultaneously with broadcast transmission (including cable transmission) and retained by the educational institution for a period not to exceed 45 calendar days after the date of recording. The program must then be erased. (Note: Pay services such as HBO and Cinemax would not fall under this interpretation.)

Programs may be held 45 days, but may only be used once and repeated once with each class by an individual teacher during the first 10 consecutive school days during the 45-day calendar retention period. They may not be used with students after that time. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45-day retention period only for teacher evaluation purposes and may not be used for student exhibition.

Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off air more than once at the request of the same teacher, no matter how many times the program is broadcast.

Copies may be made only to meet the needs of those teachers who have legitimately made requests under the guidelines. Each copy is subject to the same provisions governing the original copy.

A program must be recorded in its entirety, including the copyright notice, and may not be altered. Off-air recordings may not be combined or merged to constitute teaching anthologies or compilations. However, programs need not be used in their entirety. Schools are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Recording requests

In order to maintain appropriate control, any program recorded off-air should be requested on the form provided by the administrator or media specialist, whether recorded at school or home. The media specialist may record the program or the teacher may check out a blank storage medium from the media center to record the program at home. Once a program is recorded at home for instructional use and is used at school, it falls under the same guidelines as a program recorded at school and must be erased within the appropriate time period. Therefore, any program recorded at home must be returned to the media specialist for erasure.

Rented videotapes, CD's, DVD's, etc.

Commercial rental stores such as Blockbuster, Movie Gallery, etc. are not the copyright holders and do not have authority to grant public performance rights. Therefore, the Troup County School System does not allow the presentation of media from these sources.

Personally-owned media

No personally-owned CD's, DVD's, VHS tapes, etc. may be brought into the schools for use with students. If a school system employee wishes to donate media to a school, it must be accompanied by the applicable Georgia Performance Standards and must undergo the normal approval process before it may be used.

Student performance

Student performance of a copyrighted play may be recorded only for a critique of the performance.

Public Library

It is the policy of the public library that recordings from PBS or recordings that are labeled "For Public Use" may be used in the schools for instructional purposes. Recordings from the library labeled "For Home Use Only" may not be used in the schools because public performance rights are not purchased or assumed.

Community Resource Speakers

An administrator must approve any presentation of recorded material.

Closed Circuit

It should not be assumed that any recording may be aired on closed circuit television. Some companies require the purchase of closed circuit transmission privileges as a separate right. If this is not granted in the catalog, the school should state on the purchase order the intent to use the product on closed circuit. If the order is filled with no written restrictions, a document to support such use exists. However, it is generally accepted that video programs, for instructional use only, may be shown on a closed circuit system (electronic distribution system) within a building.

Computer software and applications

1. It is the intent of the Troup County School System to adhere to the provision of copyright laws in the area of microcomputer software. It is also the intent of the district to comply with the license agreements and policy statements contained in the software packages used in the district. In circumstances where the interpretation of the copyright law is ambiguous, the district shall look to the applicable license agreement to determine appropriate use of the software.

2. The Troup County School System recognizes that computer software piracy is a major problem for the industry and that violations of copyright laws contribute to higher costs and greater efforts to prevent copying and/or lessen incentives for the development of effective educational uses of microcomputers. Therefore, in an effort to discourage violation of copyright laws and to prevent such illegal activities:

A. The ethical and practical implications of software piracy will be taught to educators and students in all schools in the district.

B. System employees will be informed that they are expected to adhere to Public Law 96-517, Section 117 of the 1976 Copyright Act as amended on December 12, 2008, governing the use of software.

C. When permission is obtained from the copyright holder to use software on a disk-sharing system (network), this software will be secured from copying.

D. Under no circumstances shall illegal copies of copyrighted software be made or used on school equipment.

E. Access of hard disk versions of software must be supported by purchased physical media versions of software (e.g., DVD).

F. Networking other computers or terminals to one hard disk would be considered a copyright infringement unless a networking license is obtained for each piece of copyrighted software placed on the hard drive.

G. Only designated system personnel may sign license agreements for software to be used in schools in the district. Copies of license agreements should be maintained and available for review.

H. The principal at each school site is responsible for establishing practices that will enforce this system copyright policy at the school level.

Web links:

http://www.copyright.com/Services/copyrightoncampus/basics/fairuse_list.html