

USING COPYRIGHTED MATERIAL

It is the intent of the Holdenville Public Schools to adhere to the provisions of the copyright law (Title 17 of the U.S. Code) as they affect the district and its employees. While the law identifies some “fair use” provisions, it also defines specific restrictions on the reproduction of copyrighted materials. A copyright is a property right; willful infringement of a copyright can result in criminal prosecution. It is the position of Holdenville Public Schools that copyrighted materials, whether they are in print or nonprint, will not be duplicated unless such reproduction meets “fair use” standards or unless written permission from the copyright holder has been received. Illegal copies of copyrighted materials may not be made or used on district equipment.

Congress has identified four criteria to be balanced in considering questions of “fair use”:

- 1.** The purpose and character of the use, including whether such is of a commercial nature or is for nonprofit educational purposes
- 2.** The nature of the copyrighted work
- 3.** The amount and substantiality of the portion used in relation to the copyrighted work as a whole
- 4.** The effect of the use upon potential market for or value of the copyrighted work

In an effort to discourage violation of the copyright law and to prevent such illegal activities:

- 1.** All employees will be advised of this policy
- 2.** Employees who willfully disregard the district’s copyright position are in violation of board policy; they do so at their own risk and assume all liability responsibility. The legal and/or insurance protection of the district will not be extended to anyone who violates the fair use standards policy

The board further directs that:

- 1.** This policy and accompanying regulations will be printed in all employee handbooks
- 2.** The building administrator serves as copyright officer at the school site and is responsible for adherence to all the provisions of this policy
- 3.** The copyright officer is responsible for placement of appropriate notices on or near all equipment capable of reproducing copyrighted material
- 4.** The copyright officer or designee is to be responsible for the development and retention of appropriate copyright records
- 5.** Unlawful copies of copyrighted materials may not be produced on school-owned equipment
- 6.** Unlawful copies of copyrighted materials may not be used with school-owned equipment, within school-owned facilities, or at school-sponsored functions

Employees who make and/or use copies of copyrighted materials on their jobs are expected to be familiar with the published provision of the policy and regulations regarding fair use and public display, and are further expected to be able to provide their supervisor, upon request, the justification for copies that have been made or used.

Employees who use copyright materials which do not fall within fair use or public display guideline must be able to substantiate that the materials meet one of the following test:

1. The materials have been purchased from an authorized vendor by the individual employee or the district
2. The materials are copies covered by a licensing agreement between the copyright owner and the school district
3. The materials are being reviewed or demonstrated by the user to reach a decision about possible future purchase or licensing and a valid agreement exists which allows such use