

Copyright Compliance

The Board of Directors recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes.

Fair Use Doctrine

Severe penalties may be imposed for unauthorized copying or using of audiovisual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

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 the foregoing purposes:

- 1) The use must be for such purposes as teaching or scholarship.
- 2) Staff may make single copies of: book chapters for use in research; instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines.
- 3) Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.

While the ESD encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of district staff to abide by the district's copying procedures and obey the requirements of the law.

Legal References:

P.L. 105-304, Digital Millennium Copyright Act of 1998

P.L. 94-553, Federal Copyright Law of 1976 (U.S. Code, Title 17)

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