

INSTRUCTION – COPYRIGHT PROTECTION ADMINISTRATIVE PROCEDURES

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

1. The purpose and Character of 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 work for the classroom, but would not allow the school system 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 16 mm 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.

The following special procedures apply to the reproduction of resources through the use of video tape.

1. All such requests must originate with the teacher.
2. The request for reproduction must be made in advance of the broadcast to be reproduced.
3. Only the teacher making the original request may use the reproduction.
4. The reproduction may be used only in the classroom and only for educational purposes.
5. If multiple copies are requested, the above guidelines shall apply for each copy reproduced.

Producers and users of television programs have agreed on some “fair use” provisions under the Copyright Law.

The guidelines are simply an agreement, not law, and will not become law until such time as the house committee accepts them.

The guidelines are as follows:

1. The guidelines were developed to apply only to off-air recording by non-profit educational institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for up to 45 calendar days after recording. Upon conclusion of that period, all recordings must be erased or destroyed immediately. "Broadcast Programs" are television programs transmitted by TV stations for reception by the general public without charge.
3. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary in the classroom and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction during the first ten (10) consecutive days in the forty-five day calendar day retention period. "School days" are school session days – not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions – within the forty-five calendar day retention period.
4. 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, regardless of the number of times the program may be broadcast.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
6. After the first ten consecutive school days, off-air recordings may be used up to the end of the forty-five day retention period only for teach evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other nonevaluation purpose without authorization.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

INDEPENDENT SCHOOL DISTRICT NO. 31
REQUEST FOR REPRODUCTION OF RESOURCE

Teacher's Name _____

Assignment _____

School _____

Number of Copies Desired _____

Resource to be Duplicated _____

Type of Duplication Desired (Videotape, etc.) _____

If this request requires reproduction of a radio or television broadcast, indicate:

1. Exact date: _____

2. Exact time: _____

3. Broadcasting Station: _____

How will this reproduction be used? _____

Request is: APPROVED DENIED

Director of Curriculum & Instruction