

5521–COPYRIGHT COMPLIANCE

The Grand Island Public Schools will take necessary steps to ensure that copyright material is protected. Illegal duplication of copyrighted materials in any form within the school district is prohibited. Any employee who willfully disregards this policy and the law assumes all liability and responsibility for such actions. Infringement on copyrighted material, whether prose, poetry, graphic images, music audio tape, video or computer-programmed materials, is a serious offense against federal law and contrary to the ethical standards required of staff and students. Violations may result in criminal or civil suits. Copyrighted material includes:

- Literary works
- Musical works
- Dramatic works
- Pantomime and choreographic works
- Motion pictures and other audio visual works, and
- Sound recordings

The Grand Island Public Schools therefore requires that all reproduction of copyrighted material be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as *fair use* under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form. *Fair use* is not a rigidly defined term. *Fair use* is based on the following standards:

- The purpose and character of the use;
- The nature of the copyrighted work;
- The amount of and the substantiality of the portion used;
- The effect of the use upon the potential market for, or value of, the copyrighted work.

If an individual questions the legality of duplicating materials, they should seek permission from the copyright holders.

Employees in violation of copyright law may be required to remunerate the district in the event of loss due to litigation and may be subject to discipline up to and including dismissal.

The superintendent, or designee, will develop administrative regulations that provide guideline for the fair use of copyrighted materials that meet the requirement of Section 107 of the Copyright Act of 1976 and applicable amendments.

Legal References: Pub. L. 94-533 (Oct 19, 1976) – Copyright Act of 1976
 Title 17, 92 chapter 1 § 107 and §

Policy Adopted 5-10-93
Policy Revised 7-14-05
Policy Revised: 08.13.2015

5521.1–COPYRIGHT COMPLIANCE Addendum:
Title 17 Sections 107 & 117 of the United States Code

§ 107. Limitations on exclusive rights: Fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include —

- (1) the purpose and character of the use, including whether such use 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; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

§ 117. Limitations on exclusive rights: Computer programs

(a) Making of Additional Copy or Adaptation by Owner of Copy. — Notwithstanding the provisions of section 106, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

- (1) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
- (2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.