

ECH - PRINTING AND DUPLICATING SERVICES

ECH

The board realizes that Title XVII of the United States Code makes it illegal for anyone to duplicate copyrighted materials without permission. The board further realizes that severe penalties are provided for unauthorized copying of audio, visual, printed, or electronic/magnetic materials unless the copying falls within the bounds of the "fair use" doctrine.

Any duplication of copyrighted materials by district employees must be done with permission of the copyright holder or within the bounds of "fair use," as set forth in ECH-R.

APPROVED: December 13, 1982

REVIEWED: May 8, 2000

REVIEWED AND APPROVED: December 12, 2011

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ECH-R

In accordance with school board policy ECH, the following regulations will be observed to comply with Title XVII of the United States Code.

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 altering a product is to fall within the bounds of fair use, these four standards must be met for any of the purposes:

THE PURPOSE AND CHARACTER OF THE 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 a school system or an institution to do so.

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.

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 16mm film may be far different from a short excerpt from a textbook, because two or three minutes out of a 20-minute film might be the very

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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.

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.

Prohibited Practice

An employee or student may not make multiple copies of a work for classroom use if it has already been copied for another class in the same institution; make multiple copies of a short poem, article, story or essay from the same author more than once in a class term or make multiple copies from the same collective work or periodical issue more than three times a term; make multiple copies of works more than nine times in the same class term; make a copy of works to take the place of an anthology; and may not make a copy of "consumable" materials, such as workbooks.

Permitted Practice

A teacher or student may make--for use in scholarly research, in teaching or in preparation for teaching a class--a single copy of the following: a chapter from a book; an article from a periodical or newspaper; a short story, short essay or short poem (whether or not from a collected work); a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper; may make (for classroom use only and not to exceed one per student in a class) multiple copies of the following: a complete poem (if it has fewer than 250 words and is printed on not more than two pages), an excerpt from a longer poem (if the excerpt has fewer than 250 words), an excerpt from a prose work (if the excerpt has fewer than 1,000 words or 10 percent of

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the work, whichever is less) and one chart, graph, diagram, cartoon or picture per book or periodical.

A library may, for interlibrary-loan purposes, make up to six copies a year of a periodical published within the last five years, make up to six copies a year of small excerpts from longer works, make copies of unpublished works for purposes of preservation and security and make copies of out-of-print works that cannot be obtained at a fair price.

As appropriate, the above rules also apply to electronic and/or magnetic media. In addition, Software Agreements and Site License Agreements will be strictly adhered to.

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