

## **3.6 COPYRIGHT**

### **POLICY**

The School Board authorizes the Superintendent to establish and maintain policies and procedures for the appropriate use of copyrighted information in accordance with state and federal copyright laws.

The Federal copyright law governs the duplication, distribution, use and display or performance of all copyrighted materials, including printed matter, audiovisual materials, television programs, computer software and the Internet. Violation of the law can subject the violator to legal action by the copyright holder resulting in the levying of fines and/or compensatory damages. Nonprofit status or public ownership does not provide a haven for the law; and public schools are subject to its provisions just as are other agencies and businesses. However, there are exemptions which provide some latitude for the use of copyrighted materials for instructional purposes under the doctrine known as "fair use." These exemptions, while helpful in facilitating instructions, do not apply for non-instructional purposes such as reward or motivation.

The District shall abide by all provisions of the copyright laws. Commercial materials, whether printed or non-printed, may not be duplicated without prior written permission from the owner or copyright holder.

The School Board does not sanction or condone illegal duplication in any form, the use of illegally duplicated materials or the improper use of commercially duplicated materials. Employees who willfully infringe upon current copyright laws may be subject to disciplinary action by the school board.

### **PROCEDURES**

All School Board employees are expected to follow the provisions of the copyright laws currently in force under Title XVII of the United States Code.

Any reproduction of copyrighted materials shall be done either with permission of the copyright owner or within the bonds of both "fair use" doctrine of the copyright law and district policy; otherwise the individual responsible for such reproduction may be liable for breach of copyright under existing laws. With this policy, employees are informed and provided with the necessary copyright information to help them make informed copyright use decisions. The policy will transfer infringing responsibility to the infringer and not the institution and the personnel within the governing chain of command.

Procedures providing for the use of copyrighted materials shall be maintained collaboratively by a standing committee representing principals, teachers, information

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services, instructional technology, and the district media services departments. The purpose of this committee shall be to revise as needed and maintain written procedures. The Superintendent has provided that the Library Media Services Department is designated as the district contact for copyright information.

#### **(1) Principal's Responsibility**

The principal is responsible for informing the faculty regarding copyright laws. Enforcement of copyright laws at a school site is the responsibility of the principal. In the event of copyright law violation, the principal may contact the Library Media Services Department for additional assistance. Each media specialist shall receive training in copyright laws and serve as a resource to the principal.

#### **(2) "Fair Use"**

Nonprofit status or public ownership does not provide a haven from the copyright law, and public schools are subject to its provisions just as are other agencies and businesses. However, there are exceptions that provide some latitude for the use of copyrighted materials for instructional purposes under the doctrine known as "Fair Use."

(a) "Fair Use" presupposes good faith and fair dealing.

(b) The courts use the following four criteria to determine "Fair Use:"

1. the purpose and character of the use - the use of materials for teaching or research is acceptable according to "Fair Use" guidelines
2. the nature of the copyrighted work - if the material is designed primarily for educational use, it is likely to fit the "Fair Use" guidelines; these "Fair use" exemptions do not apply to non-instructional purposes such as reward and motivation
3. the amount of the work used - if only a certain percentage of a work is used, "Fair Use" guidelines, may apply
4. the effect of the use upon the potential market value of the copyrighted work - if future sales of the work are negatively impacted by modification, "Fair Use" guidelines do not apply.

#### **(3) Definitions**

(a) Copyright Defined – Copyright is a property right to materials written and produced by authors (including students in the production of creative works as a class requirement). Its duration is the life of the author and 70 additional years. For purposes of this document copying shall be defined as the reproduction (including but not limited to photo duplication, recording, taping, electronic,

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transfer, digital duplication, and/or photocopying) of copyrighted works into identical or differing formats, e.g. copying a VHS tape to a DVD format.

- (b) Copyright Fundamentals – The author (creator of the original expression in a work) or his designee has the sole right to:
  - 1. Make authorized copies;
  - 2. Prepare adaptations, translations, or abridged versions;
  - 3. Distribute copies;
  - 4. Give public performances; or
  - 5. Display works.
- (c) Building-level Contact – The school library media specialist is the building-level contact and shall disseminate copyright materials and shall, with the approval of the principal, provide ongoing leadership, information, and support for district copyright policies.
- (d) Face-to-Face Teaching – Face-to-face teaching is defined as teaching:
  - 1. Performed at a nonprofit educational institution.
  - 2. Conducted by a teacher or student. Parents and guests are permissible when acting as the teacher.
  - 3. Must be in a classroom or facsimile.
  - 4. Must be face-to-face where student is taking a course or earning credit.
  - 5. Must be educational in nature – not for entertainment, reward, or behavior modification purposes. Any other performance is considered a public performance for which performance rights must be purchased or be acquired in writing from the copyright owner.
- (e) Performance of work - To "perform" a work means to recite, render, play, dance, or act it either directly or by means of any device or process.
- (f) Spontaneity - Copying must be at the instance and inspiration of the individual teacher and so close to time of desired use that there is not time enough to receive a reply to a request for permission.
- (g) Cumulative Effect - (In reference to Classroom Photocopying)
  - 1. Copying of material can be made for one course only.
  - 2. Not more than 2 excerpts per author may be used.
  - 3. Not more than 3 excerpts from a collective work or periodical may be used.
  - 4. Not more than 9 instances of such multiple copying for one class term may be used.
- (h) Creative Essence – That element which is very unique or creative as different from simply another representation of an already generally known concept or expression, (e.g.: a film about the evolution of a butterfly - the butterfly emerging from the cocoon would be the creative essence.)
- (i) Special Permission - Permission may be asked of any copyright owner to copy or use whatever staff members may need; however, permission must be obtained in writing if permission is granted.

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#### **(4) Copyright Resources**

The school library media specialist has a responsibility to make school administrators, teachers, and staff aware of the law and its implications. Further, the media specialist has an obligation to avoid engaging in activities which in any way expose the school and the school district to liability, and to advise the school administration of any potential violations. The media specialist should make a point of becoming informed about the law, "fair use" and the pertinent district policies and guidelines. A number of forms and publications to assist in the understanding of copyright are available to assist schools and media centers to properly interpret and operate within the guidelines.

The following links are useful in finding information about copyright:

U.S. Copyright Office - Site includes full U.S. Copyright Law, FAQs, and other information of interest to media professionals.

Motion Picture Association Anti-Piracy Policy

You may also contact the U.S. Copyright Office as follows:

U.S. Copyright Office  
101 Independence Ave. S.E.  
Washington, D.C. 20559-6000  
(202) 707-3000

#### **(5) Copyright Policies & Guidelines Presented in a Sample School's Teacher Handbook**

The Federal copyright law governs the duplication, distribution, use and display or performance of all copyrighted materials including printed matter, audiovisual materials, television programs, computer software and the Internet. Violation of the law can subject the violator to legal action by the copyright holder resulting in the levying of fines and/or compensatory damages. Nonprofit status or public ownership does not provide a haven from the law, and public schools are subject to its provisions just as other agencies and businesses. However, there are exemptions which provide some latitude for the use of copyrighted materials for instructional purposes under the doctrine known as "FAIR USE." These exemptions, while helpful in facilitating instruction do not apply for non-instructional purposes, such as reward or motivation.

"Penalties and Liability for Infringement" (Taken from: *Copyright for Schools: A Practical Guide*, 2003)

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Statutory fines range from \$500 to \$20,000 per infringement, with each individual work constituting a separate act of work infringed. In 1992, the penalty for infringement of computer software copyright (commonly called "piracy") was raised to felony status, with fines up to \$250,000

Most of the reported cases indicate that the classroom teacher or librarian is only the beginning in naming liable parties. Many suits go right up the chain of command, from librarian, to principal, to curriculum director, to superintendent to the board of education.

### **(6) Protected Works**

Works created on or after January 1, 1978, are protected for the life of the author plus 70 years; a proposed revision of the law would extend that time.

Public Domain: Authors who do not wish to claim their right of copyright may donate their work to Public Domain. Public domain works created over 75 or so years ago would likely have no protection under copyright (unless a new edition has been released).

#### Copyright Law Guidelines

(Taken from: *Copyright for Schools: A Practical Guide*, 2003)

"FAIR USE" provisions of the copyright law grant educational users conditional rights to use or reproduce certain copyrighted materials as long as the reproduction or use of those materials meets defined guidelines. The following are some of the more frequent issues:

### **(7) Print Guidelines**

- (a) Teachers may make and retain single copies of materials for purposes of research, teaching or preparation for teaching. This may include a chapter from a book; an article from a periodical or newspaper; a short story, essay or poem; a chart, graph, diagram, drawing, non-syndicated cartoon or picture from a book, periodical or newspaper.
- (b) Teachers may make multiple copies for classroom use meeting the following:
  - 1. Only one item per student (no "extra copies" are permitted) may be made by or for a teacher giving the course for classroom use or discussion as follows:
    - a. a complete poem if less than 250 words and if printed on not more than two pages
    - b. a 250 word excerpt from a longer poem.
    - c. a complete article, story, or essay of less than 2,500 words.
    - d. an excerpt of 10% of a longer prose work or 1,000 words, whichever is less.

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- e. illustration – one chart, graph, diagram, drawing, non-syndicated cartoon, or picture per book or periodical.
- 2. Copies must be for a specific activity or discussion (not supplementary) ties to the course curriculum.
- 3. Each copy must have a notice of the copyright holder (i.e. Copyright 1997, Linworth Publishing Company).
- 4. No more than 9 items may be copied in multiples per course during one class term.
- c. Request permission in writing from the copyright holder for copying if you know that a particular item will be used year to year or term to term. Poems may be copied in entirety only if less than 250 words. Prose must be 2,500 words or less to be copied in entirety. Prose that is longer may have only up to 1,000 words or 10% of its whole copied.
- d. Copying **shall not** be used to create or to replace or substitute for anthologies, compilations or collective works. (Parts copied from different books should not be put together to create a whole work, i.e. different pieces of poetry into an anthology collection).
- e. Copyrighted tests and answers **are not** to be reproduced or transmitted in any form or by any means, electronic or mechanic, including photocopying, recording, or any information storage and retrieval system.
- f. **Do not** copy more than three items from one periodical volume during one term.
- g. Copying may **not** be done from works intended to be "consumable."
- h. Copying **shall not** substitute for the purchase of books, reprints or periodicals. Neither can it be repeated with respect to the same item by the same teacher from term to term.
- i. Graphics, once copied, **may not** be altered in any way. (Check guidelines for additional quantity restrictions.)
- j. Syndicated cartoons or cartoon characters **may not** be duplicated or print materials enlarged; e.g. Peanuts, Mickey Mouse, Donald Duck, etc.
- k. The student **may not** be charged more than the actual costs of the photocopying.

### **(8) Audiovisual Materials (Videotapes, DVDS, etc.)**

#### Viewing and Duplication Guidelines

- (a) Make sure that all audio-visual material shown to students is directly related to the curriculum, is presented face-to-face, is presented in an educational setting, and meets the film rating requirements in Rule 4.5.
- (b) Make sure that the audio-visual material is **not** being presented for entertainment or reward. Make sure that the performance audio-visual materials are legally acquired.
- (c) Programs recorded off-air are considered to be legally acquired when recorded in compliance of the fair-use guidelines and shown within the retention time limits.

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- (d) Videotapes and DVDs lawfully purchased by schools and marked “For Home Use Only” may be used for face-to-face teaching purposes incorporated into the curriculum.
- (e) A school district purchased video, etc., may be used for its lifetime.
- (f) If a video recording is a rental, the teacher needs to use the video/DVD in compliance with the fair-use guidelines and dedicated to face-to-face instruction related to the district curriculum, not for entertainment, reward, or fundraisers.
- (g) Duplicating visual or audio materials is permitted from a non-dramatic literary work in order to provide materials for the deaf or the blind.
- (h) **Do not** show films or videos for reinforcement or reward.
- (i) **Do not** make a copy of any video recording other than a personally created video production or a video recording previously cleared of copyright restrictions. (i.e. - you record a speaker who came to your class and you want to share a copy with another teacher or you received a recording from an agency granting reproduction rights.)
- (j) **Do not** copy commercially produced videos without copyright holder's written approval.
- (k) **Do not** copy off-air recordings unless it falls within its 10/45 fair use period. Also the copies are bound to the same time frame as the original. (A tape recorded on Sunday but duplicated on Tuesday is still bound to the Sunday 10-day performance / 45-day teacher review schedule.)
- (l) **Do not** duplicate tapes of a non-dramatic literary work. Do not record on any format entire literary stories.
- (m) **Do not** convert from original format to any other format.

#### **(9) Music**

- (a) The teacher is permitted to make emergency copies to replace purchased copies for a performance.
- (b) Single or multiple copies of excerpts of works can be made if they would not constitute a performable unit such as a section, movement or aria, but not more than 10% of the whole work.
- (c) Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added.
- (d) A single copy of a recording of a performance by students may be made for evaluation or rehearsal purposes and may be retained.
- (e) A single copy of a sound recording on a tape, disc, cassette or digital file of copyrighted music may be made from sound recordings owned by the school or an individual teacher for the purpose of teaching or testing and may be retained.
- (f) The copyright notice must appear on authorized copies.
- (g) **Do not** copy to create or replace or substitute for anthologies, compilations or collective works.

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- (h) **Do not** copy of or from works intended to be consumable.
- (i) **Do not** copy for the purpose of performance, except as indicated above. It is not permissible to make copies in order to provide extra parts for one instrument. Nor is it permissible to make copies for contests or for choral or speaking parts for musical plays.
- (j) **Do not** copy for the purpose of substituting for the purchase of music except as indicated above.
- (k) **Do not** copy without inclusion of the copyright notice which appears on the printed copy.

### **(10)Recording From Broadcast Channels, Cable or Satellite**

- (a) The person at the point of use (the classroom teacher) is the one who must make the request for copying. Programs taped must be used directly for instruction related to the district curriculum and not for entertainment.
- (b) The duplication or copying must happen so closely to the date of anticipated use that one could not expect a response to a request for permission.
- (c) The recorded program may not be edited or altered from its original content.
- (d) Copies of all off-air recordings must include all copyright information, usually included in the credits at the end of the program.
- (e) Write the record date and source of program on all videos taped.
- (f) Many cable and satellite programs have extended taping rights. These may be obtained from publications such as Cable in the Classroom or Satellite TV. All other tapes must be used for classroom instruction within 10 days of taping and teacher review within 45 days and erased after that. Programs must be shown in the classroom during the first 10 consecutive school days. Additional copies of the off-air recording may be made during the first 10 days if more than one teacher has requested its use. Programs must be erased no later than the 45<sup>th</sup> consecutive day following the broadcast date.
- (g) Speeches by federal officials, like the President, may be recorded and retained. Commentary regarding that speech by newscasters, etc. **may not** be recorded without permission.

### **(11)Multimedia Presentations**

- (a) In creating a multimedia presentation, the user will need to consider copyright rules for graphics, music and computer software. Each component carries its own requirements. Some examples include:
- (b) Display: Teachers may display their own works to classes, at conferences and workshops. Educators may use their productions up to two years after the first instructional use with a class. It may be retained indefinitely for portfolio use.
- (c) Beyond the two-year window, permission for each portion is required.



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- (d) Students may use their presentation in the class for which it was created. Students may maintain a portfolio for job interviews and college applications. (No retention time is noted.)
- (e) Educators may create, perform and display multimedia productions for educational uses, for the purposes of face-to-face instruction, assigning students to self study or research, for remote instruction to students, at peer conferences and may retain for their professional portfolio. A website, MOODLEs, including blogs, wiki, etc., must follow the copyright requirements for any graphics and content.

### **(12)Transparencies for Overhead Projector**

Transparencies may be created from one source or multiple sources, not to exceed 10% of the work. One transparency may be created from one page of a consumable item such as a workbook, exercise, test booklet or answer sheet.

### **(13)Local Productions**

- (a) One picture, photograph, drawing, etc may be taken from slides, films, photographs or any electronic resource to create a sound/slide or video production, as long as what was taken is not the creative essence of the author's work. Any photograph clearly labeled as being copyrighted may not be duplicated.
- (b) Teachers may not use copyrighted music with their productions without written permission from the copyright owner. Students may use copyrighted music up to 10% but not more than 30 seconds from a single work if their productions are created as part of a course of study for which they receive a grade. Authorized use of copyrighted music should include the copyright statement.
- (c) Recording of local productions such as plays, skits, concerts and choral productions may be recorded only for the purpose of review and evaluation or rehearsal but may not be retained by the school, the teacher or the student.

### **(14)Quantity Limits**

- (a) Motion Media: up to 10 percent or three minutes, whichever is less.
- (b) Text: Up to 10 percent or 1,000 words, whichever is less, of a novel, story, play or long poem. Short poems less than 250 words may be used in their entirety. Only three poems by one poet or five poems by different poets from an anthology may be used.
- (d) Music, lyrics, and music video: Up to 10 percent but not more than 30 seconds from a single work. If a video clip has music in the background and you cannot

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separate the music from the visual, you will be restricted by the 30-second limitation for music.

- (e) Illustrations, cartoons and photographs: A work may be used in its entirety but only if no more than five (5) images from a single artist or photographer are used. In addition, if images are taken from a single collective work, no more than 10 percent or 15 images may be used.
- (f) Numerical data sets (computer databases or spreadsheets): Up to 10 percent or 2,500 fields or cells, whichever is less may be used from a copyrighted database.

### **(15)Computer Software and Related Technology Guidelines**

License vs. Copyright - While most software is copyrighted, the purchase and installation of software is governed by a license agreement. There are several types of license agreements:

- (a) Limited Site License: grant the purchaser the right to install or duplicate a specified number of copies (Site licenses are generally specified on purchase orders, hence are legal and binding contracts between the purchaser and the producer.)
- (b) Site License: Grants the purchaser the right to install the program on an unlimited number of computers.
- (c) Single-User Programs: purchase of one program allows installation on one (1) machine only. This includes any item from Windows or System 7 to actual programs such as Microsoft Works, etc. Violation of law occurs when more than installation is made. Making more than 10 installations or copies immediately raises the penalty for infringement to up to \$250,000 in fines and up to five years in prison on felony charges.
- (d) Multiple Loading: A one diskette program may be used by the RAM on one computer then the diskette can be moved to additional units. When the computer is turned off, the program is not stored on the hard drive. This should be considered a violation of copyright unless specifically mentioned as an acceptable practice by the software company.
- (e) Network License: One copy of the software is licensed to allow multiple computers to share an installation. License agreements supersede any privileges provided in the copyright law.

### **(16)Recommendations for Handling Computer Software**

Maintain copyright and license records on all programs in the building. If a site license or network copy was ordered, retain a copy of the purchase order as proof of contract.

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#### **(17)Computer Software Lending Policy**

- (a) According to the law, an academic library may lend software to patrons with the understanding that every patron will abide by the legal requirements.
- (b) Multiple Users Licensed: If this is noted, you may install the program on your computer after checking the number of allowable installations remaining and registering your installation by BPI number of computer.
- (c) Single User Software: If you check out a single user program, you may install it on your computer and retain the software on a checked-out basis until you have completed using the program. Upon return of the discs and documentation package, you must delete the program from your hard drive.
- (d) Lab packs that require installation and run CD's: According to several software companies, if a startup installation is required and the use of a CD is mandatory to complete operation of the program, you may do the startup portion of the installation and allow it to remain on your computer. The CD from the lab pack will provide the licensed use control. Do not copy the CD to your hard drive.
- (e) Additional issues arise from the newer technologies include scanners (consider these to be the same as photocopying) and satellite and distance learning. If you find yourself in a query about their uses, you will find a complete coverage of the law in the Media Center.
- (f) The media staff is obligated to adhere to all copyright guidelines.

#### **(18)Remote Databases/Research Databases**

Databases are protected by copyright law. The contract with the database vendor will stipulate terms of use and copyright requirements. All copies or print-outs become the property of the patron or student, not the media center.

#### **(19)Internet and Distance Learning**

- (a) Copyright protection pertains to material placed on the internet.
  - 1. Assume materials are copyrighted unless otherwise stated.
  - 2. Follow fair use precedents.
  - 3. Properly cite internet resources.
  - 4. Request permission when in doubt or if use will be extended beyond the classroom.
  - 5. Notify the web master or owner of a website and request permission to capture a website with a statement of the reason for the need to capture.
- (b) A website is copyright protected including the graphics and content. Utilizing the graphics in a classroom environment, limited to one or two from a site, would generally meet fair use guidelines for classroom use. However, placement on the web is a form of large scale publication and if applicable, would need permission prior to use.

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#### **PROCEDURES (continued)**

**STATUTORY AUTHORITY:** Florida Statutes: 120.536(1); 120.54; 120.81; 1001.41

**LAWS IMPLEMENTED:** Florida Statute: 119.084  
Title 17 United States Code.

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### **PROCEDURES (continued)**

#### **APPENDICES**

##### **(1) How to Secure a Copyright**

Copyright is secured automatically when the work is created and a work is created when it is fixed in a copy or phonorecord for the first time. In general, copies are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, DVD, or microfilm. However, to insure the rights of a work, a copyright must be registered with The Library of Congress, Copyright Office. To register a work, send the following three elements to the Copyright Office in the same envelope or package to:

Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000

- (a) A properly completed application form;
- (b) A nonreturnable filing fee for each application (check for current fee);
- (c) A deposit of the work being registered. The deposit requirements will vary in particular situations. The general requirements are as follows: If the work is unpublished, one complete copy or phonorecord. If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition. If published before January 1, 1978, two complete copies or phonorecords of the work as first published.
- (d) Additional information is available from the United States Copyright Office (Library of Congress) at <http://www.copyright.gov/>

*Requestors may order application forms by calling (202) 707-3000 or (202) 707-9100.*

*NOTE: A copy of the work to be copyrighted should be sent "registered" mail to the owner prior to sending it to the Copyright Office. This provides the owner with official proof that the material originated from the owner. (Keep the envelope sealed.)*

##### **(2) How to Investigate the Copyright Status of a Work**

The main ways to investigate the copyright status of a work are as follows:

- (a) Examine a copy of the work (or, if the work is a sound recording, examine the disc, tape cartridge, or cassette in which the recorded sound is fixed, or the album cover, sleeve, or container in which the recording is sold);
- (b) Make a search of the Copyright Office catalogs and other records.
- (c) Have the Copyright Office make a search for you. Library of Congress Search - <http://www.loc.gov/copyright/search/>

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A typical copyright notice consists of the word "Copyright", the abbreviation "Copr.", or the symbol ©, together with the name of the copyright owner and the year of first publication. Even if all three ways to investigate the copyright status are followed, the results may not be completely conclusive. However, if records are retained that show evidence of a search, chances of a lawsuit are diminished.

*REMEMBER: Absence of a Copyright notice does not necessarily mean that the work is not copyrighted!*

#### **(3) How to Obtain Special Permission**

When special permission is requested to use copyrighted material, the Association of American Publishers suggests that the following information be included to expedite the process:

- (a) Title, author and/or editor and edition of materials to be duplicated;
- (b) Exact material to be used, giving amount, page numbers, chapters and, if possible, a photocopy of the material;
- (c) Number of copies to be made;
- (d) Intended use for duplicated materials;
- (e) Form of distribution (classroom, newsletter, etc);
- (f) Whether or not the material is to be sold; and,
- (g) Type of media reprint (photocopy, offset, typeset, etc.)

The request should be sent, together with a self-addressed return envelope, to the permission department of the publisher in question. For purposes of proof and to define the scope of the permission, it is important that the permission be in writing.

*NOTE: Remember to allow sufficient lead time to receive a reply!* Association of American Publishers Copyright permission site

[http://www.publishers.org/main/Copyright/copyPermission\\_01.htm](http://www.publishers.org/main/Copyright/copyPermission_01.htm)

Written permission from a copyright owner supersedes all guideline regulations.

#### **(4) Special Permission - Music**

When special permission is requested to use copyrighted MUSIC with sound/slide, video programs, or other public performances for educational use ONLY, a non-theatrical license must be obtained. The Harry Fox Agency suggests that the following procedure be followed:

- (a) STEP ONE: The composer's name(s) must be known in order to make an inquiry into the licensing of a song. To research this, first look at the record label, if the composer is not listed, call the producer (record company on label) to inquire.

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Give the title and artist of the song. (e.g.: *Wind Beneath My Wings* sung by Bette Midler.)

(b) STEP TWO: The publisher must next be known. To research, contact ASCAP or BMI. Give the title, artist and composer of the song. They will then tell you if they are the licensing agency and will also tell you the name of the publisher. (e.g.: 50% Warner House of Music and 50% WB Gold Music Coop.)

(c) STEP THREE: Create a letter to the licensing agency to request a non-theatrical license agreement.

Include in a letter of inquiry, the following information:

- Title of song
- Audience
- Performer
- Nature of use of show
- Composer
- Number of times shown
- Publisher
- Nature of slides or video
- Distributor
- Your name
- Show places(s)
- Your address and telephone number

Access online at American Society of Composers, Authors, and Publishers (ASCAP) licensing site - <http://www.ascap.com/licensing/> or Broadcast Music, Inc. - <http://www.bmi.com/>

#### **(5) Copyright Clearinghouses**

*To obtain permission to use copyrighted materials, write to the following agencies:*

(a) MUSIC (Use copyrighted music in performances or sound/slide programs.)  
(ASCAP) American Society of Composers, Authors and Publishers, 1 Lincoln Plaza, New York, New York 10023 (212) 595-3050.  
<http://www.ascap.com/licensing/>

(BMI) Broadcast Music, Inc. 320 West 57<sup>th</sup> Street, New York, New York 10019 (212) 586-2000. <http://www.bmi.com/>

(b) Mechanical and Synchronization Rights (Dubbing music to video.)  
(BMI) Broadcast Music, Inc. See above. The Harry Fox Agency, Inc. 205 E. 42<sup>nd</sup> Street, 18<sup>th</sup> Floor, New York, New York 10017, Phone: (212) 370-5330 or SESAC, Inc., 10 Columbus Circle, New York, New York 10019 (212) 586-3450.

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### **PROCEDURES (continued)**

- (c) TELEVISION (Off-air-taping of many television programs.)  
Television Licensing Center,  
1144 Wilmette Ave., Wilmette, Illinois, 60092 (800) 323-4222

(6) Copyright Question Log and Frequently Asked Questions (FAQ)

It is advised, for documentation purposes, that a log of questions be retained at the school and district levels. This log should be kept by those asking copyright questions, as well as those fielding questions. The following is suggested for inclusion: Date; Name of Inquirer; School/Location; Question; Answer.

FAQs are available at:

[http://www.manatee.k12.fl.us/sites/library\\_resources/Copyright.html](http://www.manatee.k12.fl.us/sites/library_resources/Copyright.html)

(7) Notice

(a) WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that a photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

(b) Bibliography

Since copyright guidelines for educators are sometimes in the "gray" zone, it is important to be careful from whom you seek advice. Professional journals carry copyright articles that sometimes contain information or policies that are not adopted by Manatee County Schools. The following bibliography is a recommended resource list comprised of authors who are well-known for their expertise in the field of copyright guidelines for educators.

Becker, Gary H. *Copyright: A Guide to Information and Resources*, 3rd ed. Lake Mary, FL: Gary H. Becker, 2003.

Bielefield, Arlene and Lawrence Cheeseman. *Technology and Copyright Law: A Guidebook/or the Library, Research and Teaching Professions*, 2<sup>nd</sup> ed. New York: Neal-Schuman, 2007.

Simpson, Carol Mann. *Copyright/or School Libraries: A Practical Guide*, 4<sup>nd</sup> ed. Worthington, OH: Linworth Publishing, 2005.



## **3.6 COPYRIGHT**

### **PROCEDURES (continued)**

Simpson, Carol Mann. *Copyright for School Administrators*. Worthington, OH: Linworth Publishing, 2008.

Simpson, Carol Mann. *Copyright Catechism: Practical Answers to Everyday School dilemmas*. Worthington, OH: Linworth Publishing, 2005.

(c) Copyright Guidelines -Online Resources

Copyright with Cyberbee by Linda Joseph <http://www.cyberbee.com/copyrt.html>  
The site offers an overview of basic copyright information for teachers and students and includes a lesson plan, an interactive activity for students and links to additional sites.

Copyright and Fair Use Guidelines for Teachers by Hall Davidson [http://www.halldavidson.net/copyright\\_chart.pdf](http://www.halldavidson.net/copyright_chart.pdf) These concise guidelines are offered in an easily downloaded PDF chart.

Copyright and Fair Use in the Classroom, on the Internet, and the World Wide Web from the University of Maryland <http://www.umuc.edu/library/copy.shtml>  
The site offers an excellent set of guidelines for all media types and includes practical information about seeking permissions for using the published work of others.

Permission Request Template by David Warlick, Landmark Schools Project <http://www.landmark-project.com/permission1.php> The site provides online tools for both teachers and students to generate e-mail requests to cite other's work.