

# COPYRIGHT **It's the law!**

# COPYRIGHT COPYRIGHT

## What is copyright law?

Copyright law protects producers of intellectual material from having their material copied or used by others.

This law essentially prohibits the reproduction, distribution, performance or display of print, video, audio and electronic expressions without the owner of the materials expressed permission or compensation.

## Rights under the "Fair-Use" guidelines

Educators have some rights to use materials under the "Fair-Use" guidelines of the law; however, those guidelines refer to an individual teacher's decision to use the materials and must meet **all** of the following three tests:

### 1. Is it a brief part of the work? *Test for brevity:*

**Book**—1,000 words or 10% of the book, whichever is less

**Short story, essay**—2,500-word excerpt or one story from an anthology or collection

**Poetry**—250-word excerpt or one poem

**Periodicals**—2,500-word excerpt or one poem

**Cartoons, charts, pictures**—one per book as long as not a syndicated cartoon

**Speeches**—one per book

### 2. Is the copying spontaneous? *Test for spontaneity:*

- The teacher's inspiration and decision to use the work or the moment of its use for maximum teaching effectiveness would not allow him/her time to request permission or purchase the material.
- The copying is only for that individual teacher.

### 3. Is the copying limited (has no cumulative effect)?

*Test for cumulative effect:*

- Copies are made for only one course in the school.
- The works of one author are copied only once during the term.
- The works from the same collection or periodical are copied only three times during the term.

- There are no more than nine instances of multiple copying for one course during one class term.

## Copyright for curriculum developers

Since curriculum development does not meet the spontaneous criteria, you must acquire permission from the copyright holder for any materials used in curriculum, testing, support or training that are not originally created or within the public domain.

*Board of Education Policy EGAD* affirms the district's intent to follow copyright law and to discipline and assume no liability for an employee who disregards it. Companies are active in pursuing copyright violations, and it is important that you follow the intent of the law. Verbal permission is not acceptable for anything that is published and disseminated by the district.

The district's copyright secretary will seek that permission to duplicate if you complete and submit the form "Inquiry Request for Copyright Materials" MTS/CR#1.

Or, you may personally request permission using the form "Request to Duplicate Copyright Material" MTS/CR#2. Send a copy of the permission to the copyright secretary, Media & Technology Services, who maintains a permissions file. This protects you and the district. Call 490-3632 for assistance.

These forms are available from the Media & Technology Center and on the district web site ([www.psd.k12.co.us](http://www.psd.k12.co.us)), under District Information/Media & Technology. Use of "Inquiry Request for Use of Copyrighted Material" allows an on-line request.

When any copyrighted material is used, you must identify the source and append the copyright symbol.