

## **REGULATION USE OF COPYRIGHTS**

Tonkawa Public Schools copyright policy and accompanying regulations has been developed to provide the employees of the Tonkawa Public Schools with an overview of the U. S. Copyright Laws. Since educators deal every day with the communication of ideas, concepts and information contained in works that are copyrighted, it is vital that educators have an understanding of the copyright laws and their interpretations, in particular as they pertain to use in a school setting.

Copyrights are governed by 17 U.S. C. Sec 101 et seq. The copyright law gives no protection to intangibles (such as ideas, processes, systems, principles or discoveries), only the manner in which an intangible is expressed. Authorship and thus copyright protection is therefore afforded to tangible means of expression, such as literary, musical and dramatic works; pantomimes and choreographic works; pictorial, graphic and sculptural works; motion pictures and audiovisual works; and, sound recordings. Authors have the exclusive rights to authorize reproduction of their works; preparation of derivative works; distribution of copies of their works; public performances of their works; and, displays of their works.

The “fair use” provision of the copyright law allows reproduction for purposes of teaching; however, there are four criteria that must be met in determining if the use made of a work is “fair use”

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
4. the effect of the use upon the potential market for or value of the copyrighted work.” (Title 17 U.S. Code Section 107)

There is often a misconception among educators that anything may be copied if its purpose is instructional. This is not the case. All four of the above criteria must be met, not just “purpose of use”. With the advent of computers and other types of technology that make it easy to copy, manipulate, change and store information, copyright can become more confusing. A simple rule of thumb to remember is that a work is copyrighted when it becomes fixed in a tangible medium, whether it be a book, magazine article, video, audio cassette tape, e-mail, Internet Web page. In addition, works produced on or after March 1, 1989 do not have to carry a copyright notice (words and/or copyright symbol) or be registered with the U. S. Copyright Office in order to be considered copyright protected.

The copyright policy and regulations of Tonkawa Public Schools are intended as a guideline for educators of the basics of copyright law. It is not possible to cover every possible scenario in these documents that might arise during the instructional process. Educators are encouraged to stay informed and comply with the law by following these suggestions:

Become familiar with copyright basics by reading and following Tonkawa Public Schools Copyright Policy and Regulations. An additional source to consult is The Copyright Primer for Libraries and Educators by Janis H. Bruwelheide. Copies are available at the Professional Development Center and each SPS school library.

Consult the U. S. Copyright Office. Online information and services are available on the Internet at <http://lcweb.loc.gov/copyright/>.

When in doubt, ask permission.