

Baldwin County Public School System Copyright Policy

The Baldwin County Public School System acknowledges that federal law states that it is illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Penalties may be imposed for unauthorized copying of audiovisual or printed materials, and computer software, unless the copying or using conforms to the "fair use" doctrine.

The Baldwin County School System encourages its staff to share learning by making proper use of supplementary materials. Copyright and the notion of intellectual property was written into the Constitution of the United States to promote learning and the useful arts and was designed to be supportive of the work of educators.

It is the responsibility of the employees of the Baldwin County School System to abide by the copying procedures and obey the requirements as set by the law. Copyright requirements should not be violated in order for employees to perform their duties.

The Constitutional Provision Respecting Copyright

The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries

(United States Constitution, Article I, Section 8)

Copyright Information

What Is Copyright?

Copyright is a form of protection provided by the laws of the United States ([title 17](#), U. S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. [Section 106](#) of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- To reproduce the work in copies or phonorecords;
- To prepare derivative works based upon the work;
- To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
- To display the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

What is Fair Use?

It is *not* an infringement of copyright to make short quotations from a work for purposes of criticism, comment, teaching, scholarship, or research. 17 USC §107. However, every quotation *must* be clearly identified with the name of the author and the source of the quotation.

In determining whether the use made of a work in any particular case is a **fair use** the factors to be considered shall include:

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- the nature of the copyrighted work;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- the effect of the use upon the potential market for or value of the copyrighted work.

In order to apply copyright laws, there are several rules of **Fair Use** that should be applied when asking if one is staying within copyright guidelines and laws. These tests are for **Brevity**, **Spontaneity**, and **Cumulative Effect**.

Brevity

The copying meets the tests of brevity described in the following guidelines:

- a. With respect to poetry, "brevity" is deemed to mean a complete poem if less than 250 words and if printed on not more than two pages or, if from a longer poem, an excerpt of not more than 250 words.
- b. With respect to prose, "brevity" is deemed to mean either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. These limits are not violated by the completion of an unfinished line of a poem or of an unfinished prose paragraph.
- c. With respect to illustrations, "brevity" is deemed to mean one chart, graph, diagram, drawing, cartoon or picture per book
- d. With respect to "special" works (i.e., certain works that combine language with illustrations, sometimes intended for children, and that fall short of 2,500 words in their entirety), "brevity" is deemed to mean an excerpt comprising not more than 10% of the words found in the text itself.

Spontaneity

The copying meets the tests of spontaneity as described in the following guidelines:

- a. The copying is at the instance and inspiration of the individual who orders or makes the reproductions or phonorecords to be prepared and distributed.
- b. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission from the owner of the copyright.

Cumulative Effect

The copying meets the cumulative effect tests described in the following guidelines:

- a. The copied material will be used in only one course offered in the school in which copies are made;
- b. Not more than one short poem, article, story, essay or two excerpts may be copied from works by the same author, nor more than three from the same collective work or periodical volume, during the same term;
- c. Not more than nine instances of such multiple copying shall be made for any one course during the same term;

Copyright Resources

Copyright and Fair Use Guidelines for Teachers. A chart designed to inform teachers of what they may do under the law. Located under *handy chart*.

http://www.techlearning.com/db_area/archives/TL/2002/10/copyright.html

Copyright Law of the United States.

www.copyright.gov

Copyright Resources. Downloads with .pdf that will need Acrobat Reader to print or read. On this page are resources for **Copyright, Information Literacy, SchoolhouseVideo, Media & Multimedia**, and more.

<http://www.mediafestival.org/downloads.html>

