

In the course of their duties, faculty and staff of Richmond School District may wish to use photocopied materials in the classroom and for research. In many cases, photocopying can facilitate the school's mission of teaching. Copyright law and guidelines serve the purpose of protecting the rights of the copyright owner and promoting the public interest in sharing new ideas and information. This protection exists from the time the work is created in fixed form. A work need not be registered with the Copyright Office in order to be copyrighted. It should be assumed that all works created after 1978 are copyrighted and permission to use these works should be requested.

It is the policy of the Richmond School District to direct its staff to comply with the Copyright Law of 1976, the Sonny Bono Copyright Term Extension Act of 1998, The Digital Millennium Copyright Act of 1998, and the Technology, Education and Copyright Harmonization Act (TEACH Act) of 2002 and the guidelines that have been drawn up to help educators and librarians interpret the law.

Specifically, the following general copyright requirements shall apply in the District:

- A. The District shall provide all staff with in-service training, information and materials relating to the copyright law (See Staff Handbook).
- B. The District shall provide staff with assistance in acquiring rights to copyright materials.
- C. Appropriate notices and warning signs shall be placed on all copying equipment.
- D. The duplication of copyrighted materials without permission from the copyright holder, except under the provisions of "fair use," (more thoroughly described below) shall be prohibited.
- E. The use of District equipment for the purpose of violating copyright law shall be prohibited.
- F. Copying copyrighted materials to substitute for the purchase of that materials shall be prohibited.
- G. The distribution and/or transmission of a reading or performance of copyrighted works without permission from the copyright holder, except under the provisions of "fair use", shall be prohibited.
- H. No employee shall direct the violation of the copyright law.
- I. Administrators shall be responsible for established practices, which promote staff awareness of this policy.
- J. Staff members shall apply the "fair use" criteria in identifying material, which may be used or reproduced consistent with the copyright law. Staff members are cautioned to test such decisions against all criteria, being mindful that their status as district employees does not provide immunity for violation of that law.

Copyrighted materials or media may be used or copied only when such use or copying constitutes a "fair use" as defined by law, or with the prior written permission of the copyright holder. Four factors shall be considered in determining whether or not a particular use is fair under the federal copyright law:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit 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.

Educators and students have access to print, images, Websites, moving-image media, and sound media in both analog and digital forms. In all cases, a digital copy is the same as a hard copy in terms of “fair use.”

Also, today’s technology allows for the creation of multi-media presentations by educators and students. It is the responsibility of course instructors to be familiar with copyright laws and to instruct students in responsible use of images, audio and print materials.

Notices of copyright restrictions shall be placed on and/or near those devices that could be used for copying materials or information (e.g., computers, photocopiers). They shall also be posted on the media centers’ Web pages, along with links to other resources regarding use of copyrighted works.

Web Page Copyright/Trademark Issues

Richmond School District web pages shall comply with legal requirements regarding the use, reproduction, and distribution of copyrighted works. Therefore, no copyrighted information should be placed on the District web page except with the written permission from the creator of the work or otherwise permitted by law. Official trademarks or logos also may not be placed on District web pages without receiving appropriate permission. All graphics and images should be copyright free or the user must have the written consent of the creator.

Consequences of Copyright Infringement by District Employees

No Indemnification

Under Section 895.46 of the Wisconsin Statutes, District employees who violate federal copyright laws may be deemed to have acted outside the scope of their employment and may not be eligible for any indemnification or legal counsel otherwise provided by the District.

The District shall assume no liability for infringement of copyright by individual employees and others using school equipment in violation of this policy.

Penalties

District employees, members of the public, and students who infringe copyrights may be personally liable for copyright infringement. Violations will be reviewed for potential disciplinary action by the District. Under Section 502 through 507 of the Act, the penalties for infringing a copyright include becoming subject to an injunction to stop the infringement, payment of the actual damages suffered by the copyright owner, disgorgement of any profits made by the infringer resulting from the infringement, and assessment of statutory damages, payment of costs and attorneys’ fees, impoundment of copies during the pendency of an infringement suit, and destruction of copies as part of the court’s final judgment.

Legal Reference: Wisconsin Statutes: 121.02(1)(h), 943.70, PI 8.01(2)(h)(k)
Federal Copyright Law (17 U.S.C.)
The Sonny Bono Copyright Term Extension Act of 1998
The Digital Millennium Copyright Act of 1998
TEACH Act of 2002

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