

**USE OF COPYRIGHTED MATERIALS**

All district staff shall adhere to the provisions of the federal copyright law and maintain the highest ethical standards in the use of copyrighted materials. The district shall provide no legal support to any employee who violates the copyright law. Infringement of this law by students is also prohibited and may result in disciplinary action.

The district does not sanction illegal use or unauthorized duplication of copyrighted materials in any form. District employees are hereby notified that willful infringement of the law may result in disciplinary action. When infringement has been a willful act of an employee of the PUSD, that employee may be personally liable for damages and the Governing Board and Superintendent of Schools may not indemnify (protect or exempt from loss or damage) the employee. Responsibility for compliance with copyright laws and guidelines lies with the **originator** (the person who requested) of materials to be copied, not with an employee reviewing or authorizing a duplicating order.

Any literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, audiovisual or motion picture, sound, architectural, or other original work shall be assumed to be a copyrighted work, regardless of whether the work appears in print, audio, video, electronic, or other fixed and tangible form.

The Superintendent or designee shall inform staff that inclusion of an attribution citing the author and source of a copyrighted material does not absolve the staff member from the responsibility to either obtain permission or satisfy criteria for fair use or another exception.

Students shall not copy or distribute copyrighted works to others. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 3312 - Contracts)*

*(cf. 6163.4 - Student Use of Technology)*

*Legal Reference: (see next page)*

**USE OF COPYRIGHTED MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

35182 Computer software

UNITED STATES CODE, TITLE 17

101-122 Subject matter and scope of copyright, especially:

102 Definitions

106 Copyright protection

107 Fair use of copyrighted works

110 Limitations on exclusive rights: Exemption of certain performances and displays

504 Penalties for copyright infringement

COURT DECISIONS

Cambridge University Press et al. v. Becker et al., (N.D. Ga. 2012) 863 F.Supp.2d 1190

Campbell v. Acuff-Rose Music, Inc., (1994) 510 U.S. 569

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

*Management Resources:*

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Copyright Law: Do Schools Need a License to Show a Movie?, *School Law Review*, July 2010

U.S. COPYRIGHT OFFICE PUBLICATIONS

Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, rev. 2009

Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013

Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012

WEB SITES

Copyright Society of the USA: <http://www.csusa.org>

National School Boards Association: <http://www.nsba.org>

University of California, Copyright Education:

<http://copyright.universityofcalifornia.edu/usingcopyrightedworks.html>

U.S. Copyright Office: <http://www.copyright.gov>