

## **Copyright Policy Dedham Public Schools**

The goal of the Dedham Public School Community is to model respect for intellectual property. As both an ethical and a legal matter, staff and students must comply with copyright law.

U.S. Copyright Law [[Title 17 of the U.S. Code and Related Laws](#)] protects the intellectual property rights of authors and their works. Works entitled to copyright protection include print materials, films, videos, music and audio materials, performances, computer software, visual images, and most materials found on the Internet and in various other forms of publication. Current U.S. copyright law grants most “original works of authorship” copyright status, even if the materials have not been registered with the copyright office, marked with the copyright symbol ©, or remain unpublished. The absence of a copyright notice, on the Internet or elsewhere, does not mean that a work can be legally copied.

Authors of “original works of authorship,” including literary, dramatic, musical, artistic, and other intellectual works, have all the exclusive rights to their intellectual property, including, but not limited to, the right to sell or assign their copyright, reproduce their copyrighted work, or to perform their copyrighted work publicly. Mere possession of a legal copy of a copyright owner’s work does not grant the possessor of a legal copy any of the copyright holder’s exclusive rights. It is important to note that the concept of “reproduction” extends beyond photocopies, and includes the duplication of digital media. Uploading or downloading materials posted on the Internet or the Intranet, or making copyrighted materials available to multiple users through other technologies, are all analogous to making copies.

Except for U.S. government works, and works authored prior to 1923, most of the materials used in the Dedham Public Schools are under copyright. Staff and students should assume that copyright restrictions apply unless they have determined that materials are not copyrighted or they have received the copyright holder’s permission to use copyrighted materials.

### **FAIR USE**

Section 107 of the Copyright Law lists the various purposes for which the reproduction of a particular copyrighted work may be considered “fair,” such as criticism, commentary, news reporting, teaching, scholarship, and research. “Fair Use” may be used as a legal defense of copyright violation, but in and of itself does not grant the right to use copyrighted material. Use of copyrighted material requires permission from the author. Without the explicit permission of the copyright owner, members of the Dedham Public Schools must be prepared to defend their use of copyrighted materials under ALL FOUR of the fair use factors.

The four factors that all must be met in determining a fair use defense are:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
  - An educational purpose is more likely to be considered “fair use,” but in and of itself is not a guarantee of a “fair use” exemption to copyright.
2. The nature of the copyrighted work.
  - For example, a work that is consumable, such as a workbook, cannot be copied in a ‘fair use’ way.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
  - The greater the portion used, the less likely it is that the use will be considered “fair.”
  - The more substantive the portion of work, even if it is a very small portion of a work, and is deemed to be the work’s “essence,” the less likely it is that the use will be considered “fair.”
4. The effect of the use upon the potential market for or value of the copyrighted work.
  - Does copying a work prevent a sale?
  - A spontaneous use of a work is more likely to fall under “fair use” while repeated use of a work would not.
  - Assembling and copying various works such as chapters of books and/or periodicals and using these repeatedly would be unlikely to be considered “fair use.”

The Office of the Director of Technology will provide “best advice,” not legal advice, on copyright adherence. Members of the Dedham Public Schools’ Education Community are advised to consult the Office of the Director of Technology if they have questions about copyright including the “fair use” defense.

When in doubt regarding fair use, always request permission from the copyright owner to use copyrighted materials. A standard form for obtaining permission to use copyrighted materials may be found on the Dedham Public Schools’ Intranet or obtained from the Office of the Director of Technology.

Approved by School Committee April 16, 2008