

COMMUNITY RELATIONS: Communication with the Public

Copyright and Intellectual Property (Original Works)

- A. Libraries may make a single copy, with Notice of Copyright present, of the following:
- An unpublished work which is in its collection solely for purposes of preservation and security or for deposit for research use in another qualified library or archives
 - A published work in order to replace it because it is damaged, deteriorated, lost, or stolen provided that an unused replacement cannot be obtained at a fair price.
- B. Employees and students shall obtain prior permission from the copyright owner to copy, modify, display, perform, or distribute copyrighted works which do not meet the criteria for use. Use the Baltimore County Public Schools' *Copyright Permission Request* form [(Rule 1110, Form C)] (RULE 6166, FORM E) for this purpose. A copy of all correspondence and one copy of the reproduced material shall be kept on file by the principal/office head or designee for the duration of the copyright.

Employees and students do not need permission to copy, modify, display, perform, or distribute works classified as in the public domain. Works in the public domain include works with the following characteristics: originally non-copyrightable, lost copyright, expired copyright, authored by the federal government, or granted by the author to the public domain. Unless materials are clearly marked as in the public domain, consider them to be copyrighted.

- C. Employees shall obtain permission from the parent/guardian prior to electronically publishing or distributing a student's intellectual property/original work. Use the Baltimore County Public Schools' [*Parent/Guardian and Student Permission to Publish Intellectual Property on the WWW* form (Rule 1110, Form A)] PERMISSION TO PUBLISH INTELLECTUAL PROPERTY ON THE INTERNET, BCPS INTRANET, OR THE BCPS EDUCATION CHANNEL 73 FORM (RULE 6166, FORM B) for this purpose.

Employees shall display the Notice of Copyright when electronically publishing student intellectual property. The Notice of Copyright informs the public that the

student's original work is protected by copyright, identifies the copyright owner, and shows the year of the first publication.

Use the following copyright notice for student publications:

Copyright © Date Abbreviation of name of owner. All rights reserved. (e.g., Copyright © 1997 John D. All rights reserved).

Documents and related graphics may be duplicated for educational, non-profit school use only. All other uses, transmissions and duplications are prohibited unless permission is granted expressly.

- E. A work created by an employee within the scope of his/her employment in Baltimore County Public Schools is a work made for hire. Baltimore County Public Schools are the initial owner of all the rights of copyright in the work unless a prior written agreement is signed by both parties.

Use the following copyright notice for Baltimore County Public Schools' publications:

Copyright © 1997 Baltimore County Public Schools. All rights reserved.

Documents and related graphics may be duplicated for educational, non-profit school use only. All other uses, transmissions, and duplications are prohibited unless permission is granted expressly.

- F. Guidelines for Use of Print Materials:

Permissible Uses

Single Copies for Individual Teacher Use

A single copy may be made of any of the following by educators for their scholarly research or for use in teaching or preparing to teach a class:

- A chapter from a book
- An article from a periodical or newspaper

- A short story, short essay, or short poem - whether or not from a collective work
- A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

Multiple Copies for Classroom Use

Multiple copies not to exceed one copy per student in a course may be made by/for the teacher giving the course for classroom use or discussion provided that all four of the following criteria are met:

Criterion 1: Brevity

<u>Type of Work</u>	<u>Suggested Safe Limits</u>
Poem	A complete poem if less than 250 words and if printed on not more than two pages A longer poem, an excerpt of not more than 250 words
Prose	A complete article, story, or essay of under 2,500 words A prose work of not more than 1,000 or 10% of the work, whichever is less, but in any event a minimum of 500 words
Illustration	One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue
"Special" books of less than 2,500 words, such as children's books	Up to two (2) pages of the text representing not more than 10% of the total words

Criterion 2: Spontaneity

- The copying is at the instant and inspiration of the individual teacher.

- The 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.

Criterion 3: Cumulative Effect

- The copying of the material is for only one (1) course in the school in which the copies are made.
- Not more than one (1) short poem, article, story, essay, or two (2) excerpts may be copied from the same author during one class term.
- Not more than three (3) excerpts may be copied from the same collective work or periodical volume during one (1) class term.
- There may not be more than nine (9) instances of such multiple copying for one course during one class term.
- No limit has been placed on the number of copies that can be made of newspapers, the current news sections of periodicals, and works in the public domain.

Criterion 4: Each copy must include the same Notice of Copyright included on the original work.

G. Guidelines for Use of Print Materials:

Prohibited Uses

- Copying to create, replace, or substitute for anthologies, compilations, or collective works whether copies are accumulated or reproduced and used separately.
- Copying of or from any work intended to be "consumable" such as workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.
- Copying as a substitute for the purchase of books, publishers' reprints, or periodicals.

- Repeated copying of the same item by the same teacher from term to term.
- Charging students beyond the actual cost of the photocopying.

H. Guidelines for Use of Printed Musical Scores:

Permissible Uses

- Emergency copying to replace purchased copies which for any reason are not available for an imminent performance, provided purchased replacement copies are substituted in due course.
- Making single copies or up to one (1) copy per student of excerpts of works for academic purposes other than performance, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit, such as a section, movement, or aria, but in no case more than 10% of the whole work.
- Editing or simplifying printed copies which have been purchased, provided that the fundamental character of the work is not distorted or lyrics altered or added.

I. Guidelines for Use of Printed Musical Scores:

Prohibited Uses

- Copying to create, replace, or substitute for anthologies, compilations, or collective works.
- Copying of or from works intended to be "consumable" in the course of study or of teaching, such as workbooks, exercises, standardized tests, answer sheets, and like material.
- Copying for the purpose of performance, except in emergency situations described above.
- Copying for the purpose of substituting for the purchase of music except in situations described above.

- Copying without inclusion of the Notice of Copyright which appears on the printed copy.

J. Guidelines for Use of Off-Air Recording of Non-Fee Based Broadcast Programming for Educational Purposes:

Permissible and Prohibited Uses

Video recordings made for instructional use in Baltimore County Public Schools shall comply with the Superintendent's Rule 6163.2, Instruction - Selection of Instructional Materials, and have the approval of the principal or designee.

- Off-air recording may be used once by an individual teacher in the course of relevant teaching activities and repeated only once when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first 10 consecutive school days in the 45 calendar day retention period.
- Off-air recordings may be kept for 45 consecutive calendar days after the date of recording. Upon the conclusion of such retention period, all off-air recordings must be erased or destroyed.
- Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests.
- No program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times it may be broadcast.
- Copies of off-air recordings must include the copyright notice on the broadcast notice as recorded.
- Off-air recordings need not be used in their entirety, but they cannot be altered from their original content. Recordings may not be physically or electronically combined or merged to constitute a teaching anthology or compilation.

- After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45-calendar day retention period only for teacher evaluation purposes.
- Off-air recordings may be made by an educational institution for the deaf and hearing impaired. Permitted activities include: the making of a captioned version for non-commercial purposes; performances of that version for educational purposes within the institution for its students; and the sharing among other such institutions.

K. Guidelines for Use of Cable in the Classroom - Television Programming

Programs broadcast over a number of cable channels may be videotaped in accordance with the copyright codes published in the *Cable in the Classroom* monthly programming guide.

L. Guidelines for Use of Baltimore County Public Schools Cable Education Channel Programming

Copyright fees have been paid or permission given for Baltimore County Public Schools cable Educational Channel programming to be taped, kept, and used indefinitely for instructional purposes unless otherwise indicated.

M. Guidelines for Use of Pay/Premium Broadcasts

Employees shall not copy for classroom use any programming from pay/premium broadcast channels such as Home Team Sports, Showtime, The Disney Channel, or Home Box Office unless the broadcast is part of the *Cable in the Classroom* programming.

N. Guidelines for Use of Rented Video Programs

Rented video programs may be used for "face-to-face" instruction in schools only if the rental agency allows for use with non-home audiences. Rented or purchased video tapes that display the "For Home Use Only" warning shall not be used in classrooms. No fee shall be collected from viewers as such action would constitute a public performance for commercial/profit purposes. Rented video tapes should comply with the Superintendent's Rule 6163.2, Instruction - Selection of Instructional Materials, and have the approval of the principal or designee.

O. Guidelines for Use of Computer Programs:

Permissible Uses

The owner of a copy of a computer program may make or authorize the making of another copy or adaptation of the computer program provided that it is:

- Created as an essential step in the utilization of the computer program in conjunction with a machine and used in no other manner, or
- For archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

P. Guidelines for Use of Computer Programs:

Prohibited Uses

- Using a backup (archival) copy at the same time that the master (original) copy is being used.
- Lending the backup copy--An archival copy is permissible only to ensure the owner access to the program in the event of loss or damage to the master.
- Installing one computer program into several machines for simultaneous multiple use unless as specified in the licensing agreement.
- Using educational licensed software for personal use if so restricted in the licensing agreement.
- Reproducing documentation manuals without the written permission of the producer.

Q. Guidelines for Use of Commercial Databases

Downloading information from a commercial database is divided into two (2) categories of use:

- Downloading information of files briefly for the purpose of editing and printing

- Downloading computer files onto disk for retention and repeated use requires a license agreement with the utility or database owner.

R. Guidelines for Use of Multimedia and Web Pages

Multimedia included on web pages are considered to be copyrighted unless the copyright owner authorizes copying or it is in the public domain. Multimedia includes text, motion, music, lyrics, music/video, illustrations, photographs, images, computer software, and databases which are combined into an integrated presentation. Use of these multimedia resources included as part of a web site should parallel the use limits for print, audiovisual, and computer software set forth in this rule.

If there is a question as to whether a particular act of copying might be in violation of the copyright law, permission shall be obtained from the copyright holder before copies are made or included in the web site. The *Copyright Permission Request* form [(Rule 1110, Form C)] (RULE 6166, FORM E) is used for this purpose.

A copy of all correspondence and one copy of the reproduced material shall be kept on file by the principal/office head or designee for the length of the copyright.

- S. Employees shall comply with copyright laws and guidelines for use of print, audiovisual, and computer programs and databases as set forth in this rule. Failure to comply shall result in disciplinary action up to and including termination.

Students shall comply with copyright laws and guidelines for use of print, audiovisual, and computer programs and databases as set forth in this rule. Students who fail to comply shall be disciplined according to the procedures set forth in the Baltimore County Public Schools *Student Handbook*.

Legal References:

Federal Laws

Copyright Act of 1976, 17 U.S.C. §101 *et seq.*

Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals, Cong. Rep. No. 1783, Reprinted in 1976 U.S. Cong. & Admin. News 5810.

Guidelines for Educational Uses of Music, Cong. Rep. No. 1783, Reprinted in 1976 U.S. Cong. & Admin. News 5810.

Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes, H.R. 495, 97th Cong., 1st Sess., 8-9, 1981.

RELATED POLICIES:

BOARD OF EDUCATION POLICY 4006, TELECOMMUNICATIONS ACCESS
TO ELECTRONIC INFORMATION, SERVICES, AND
NETWORKS

BOARD OF EDUCATION POLICY 6166, TELECOMMUNICATIONS ACCESS
TO ELECTRONIC INFORMATION, SERVICES, AND
NETWORKS

Rule
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Revised:

Superintendent of Schools