

COPYRIGHT

FAQ'S

FREQUENTLY ASKED QUESTIONS



**LONDONDERRY SCHOOL DISTRICT
LONDONDERRY, NH**

**LIBRARY MEDIA AND TECHNOLOGY SERVICES
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Frequently Asked Questions

Can I reproduce a workbook purchased for a single student or teacher?

Clearly, these are consumable items and should not be reproduced in any fashion whatsoever other than those indicated by the publisher for use by the individual.

May I read a book, text book or part of these items onto an audiocassette for a student?

No, not without permission or unless the work is out-of-print and a good faith effort has been made to locate a legal copy or a derivative work. The copyright law is clear that the format in which intellectual property appears is the exclusive right of the copyright holder. If you are merely changing from the original form to another form, you are nonetheless still *copying* the work.

The only exception to this would be in the instance of change of format to accommodate/service a *legally blind* or *physically disabled* student.

What if the student is a special education student and this is recommended by several special educators as an appropriate accommodation?

Regrettably, permission will still need to be obtained unless the student is legally blind or physically disabled.

Is it legal to show video or DVDs labeled “Home Use Only” in the classroom?

Yes. As long as you are using a legally obtained item, in a face-to-face instructional situation, the performance is exempted according to Section 110 (1) of the Copyright Law.

May a teacher use a personally owned program (i.e. *The King’s Speech* or *March of the Penguins*) to show to students as a classroom activity?

Again, as in the example cited above, as long as the program is a legitimate copy, an IMAF form is completed/approved, and the activity is scheduled as face-to-face instruction, the answer is yes.

May a teacher show the same program to the same students as a reward for good behavior and/or for its entertainment value?

In general, Section 110 of the Copyright Law is very clear on defining that exemptions for educators are only provided in the instance of face-to-face instruction. The only way to show the tape in a school setting as a reward or for entertainment value would be to either obtain written permission or to pay a public performance licensing fee. The district does pay such a fee through Movie Licensing USA for a number of major motion picture distributors. Please check with the library to ensure that a film you wish to use is licensed.

May I use a video or DVD from a rental chain or subscription service and show it in my classroom as part of an instructional activity?

Maybe. If the rental agency/subscription service has not entered into a contract agreement (as the distributor of the work) which supersedes the “fair use” guidelines by which schools operate (you must procure a written statement from the agency indicating that the program may be used for instructional purposes) and, of course, you must still fill out an Instructional Materials Approval Form prior to any use in the classroom.

May I borrow a video or DVD from the public library for use in my classroom?

Yes, as long as there are no preexisting contracts entered into by the library as the “distributor”. Ask the library staff for a letter indicating that use is allowed as per fair use and provide this to your school librarian.

I’d like to show a movie I recorded off-air (according to fair use guidelines) but, there is one rather “steamy” section that is not appropriate for student viewing. Could the Library Media Department edit it out for me?

Maybe. The exclusive right to the content of a work rests with the copyright holder and you may not seek to physically alter their work, without permission. Therefore, if permission is sought and granted, the Library Media Department could make an edit. However, you do not have to show the work in its entirety either and, therefore, with appropriate planning you may still be able to utilize those parts or sections of the work that you deem appropriate without making any physical alteration.

I would like to show a clip of the protagonist in *Dead Poet's Society* reciting the poem "Oh! Captain, My Captain" to my classes. May I use a rental or personally owned program?

As in the examples previously given, you may use a rented program as long as we are assured no other contract supersedes the educator's rights exemption (and that in either instance, the copy has been legally obtained and approved for instructional use.

If I record a program off-air, how long may I keep the program to show to my class?

You may replay the program within ten (10) school days (excluding exam/emergency days) and keep the program for a total 45 calendar days. If you are not able to schedule playback within the ten (10) day time period, or, if you will not be teaching the particular subject matter until after that, you must obtain permission (within the 45 day allotment) to keep and/or play the program beyond the fair use guidelines.

Many of the networks and cable stations recognize that the standard ten (10) day time period is limiting and so they have provided, for more flexibility for their programming – especially any that they recognize has educational value. Please check with the library/media staff who can inform you of these exceptions.

Can the school district purchase the rights to show a program beyond the fair use time frame if that is needed?

Yes. The library media department annually budgets for license fees and as long as the program is deemed appropriate for addition to the curriculum we will make every effort to accommodate such a request.

Our drama club is producing a musical. May parents videotape the performance and may I schedule playback of the performance, in its entirety, on LEO21?

This question is complex. First, if this is a copyrighted play and uses copyrighted music then permission must be obtained before *anyone* is allowed to videotape a performance. If the work is original, perhaps written by the students or a faculty member, then the issue is moot unless one or the other parties claims copyright. The only exemption to allow for any videotaping to occur of a copyrighted play without first obtaining permission, is in order to allow students to be able to critique their performances. In this instance, only the students could be the viewers and the viewing occur in order to improve their performance – not for entertainment.

As to the issue of cablecasting the performance on LEO21, separate, written permission would have to be obtained in order to program any performance of copyrighted materials and signed release forms and permission obtained from the parents/guardians of the students involved.

May a student bring a personal computer game disk/app., a cd or a video or DVD to school to use on school equipment?

A student, in the course of working on an academic project, may be able to utilize personal media in the context of the project. However, it is doubtful that a computer “game” would be utilized in this manner and use of a cd or other software would need to be cleared in terms of making sure that no preexisting licensing agreement is violated. In general, it is better to encourage students to utilize school-owned resources.

I have a wonderful cd reference resource that I would like to make available to my students by loading the program on a computer in the school library. May I do so?

This depends on the software licensing agreement that accompanied the product. Most agreements preclude use of software on more than one machine at the same time, so if you have loaded the software on a pc at home or in your classroom and the possibility exists for simultaneous usage, the answer is obviously no. Also, there are certain exemptions granted to libraries in purchasing and using these resources that are not provided to the individual (and) in general libraries clearly indicate that they will provide access to more than one person and at one time (in a networked environment). The best course of action in this case is to recommend that the school library secure the resource for the collection as opposed to taking any chances.

What about the use of resources made available on the Web? Is it ok for teachers and students to use these freely?

Although a work may be freely accessible on the Web and may not include any statement about copyright, the U.S. Copyright Act provides that such works may be protected by copyright. Unless rights of use are clearly stated with respect to an individual item, users must seek permission from the copyright owner for all uses that are not allowed by educational fair use and other guidelines.

Special Notes:

VIDEO/DVD: Each of the schools in the Londonderry School District have obtained a site license from Movie Licensing USA which provides for “public performance rights” for movies produced by Walt Disney Pictures, Touchstone Pictures, Hollywood Pictures, Warner Bros., Columbia Pictures, TriStar Pictures, Paramount Pictures, DreamWorks Pictures, Metro-Goldwyn-Mayer, Universal Pictures, Sony Pictures, United Artists and a number of independent studios. These licenses ensure copyright compliance for showing of copyrighted movies produced by the studios represented, and used in schools for numerous activities outside of face-to-face instruction. **HOWEVER**, please be advised that all use of video/dvd must still receive administrative approval in advance of the showing. Teachers must still demonstrate an instructional reason for using video/dvd during the regular school day (using the IMAF form) and Coaches, advisors, chaperones, etc. must also get an approval before showing any video/dvd even for recreational reasons if the display is within the purview of an official school activity.

COMPUTER SOFTWARE: All employees have signed and agreed to abide by a software code of ethics. No software (including CDs, DVD’s and downloads) should be installed or used in the district without prior approval and all software purchases should be coordinated through the Library/media and IT staff to ensure compatibility with our systems prior to acquisition. No software may be installed without following this procedure. In addition, for instructional software, you must complete an IMAF and Software Cataloging Workform. These are available in the school library media centers.

MUSIC: Check with the School Library Media Staff to see if use of a musical recorded work is covered under the District’s license agreements with ASCAP, BMI and SESAC (for WLLO) and/or the Londonderry Access Center’s license with the same agencies for use on Channel 21. Likewise, consult with the Library Media Staff for access to “cleared” music selections for multimedia presentations. We also subscribe to Soundzabound, a licenced music software service, where students and teachers may find cleared music resources for use in projects and presentations.

