

BISMARCK PUBLIC SCHOOL DISTRICT NO. 1 BISMARCK, NORTH DAKOTA, 58501 ADMINISTRATIVE RULE: Use of Copyrighted Materials	Descriptor Code:	Issued Date:
	IFABA-R	10/22/2007
	Rescinds:	Issued:

Definition of copyright:

Copyright is a form of protection provided by the laws of the United States for original works of authorship.

Definition of copyrightable material:

Copyrightable material is any tangible medium of expression, now known or later developed, which can be perceived, reproduced, or otherwise communicated, with the aid of either a machine or device. To be copyrightable, a work must be original in the sense that the author has created it by his or her own skill, labor, and judgment; but no large measure of novelty is necessary.

Usage guidelines for copyrighted materials*:

- Unlawful copies of copyrighted materials may not be produced on district-owned equipment.
- Unlawful copies of copyrighted materials may not be used with district-owned equipment, within district-owned facilities, or at district-sponsored functions.
- The legal and insurance protection of the district is not extended to employees who unlawfully copy and use copyrighted materials.
- Employees will apply “fair use” guidelines to the use of copyrighted materials, as explained in sections 107 through 118 of the Copyright Act, Title 17 of the United States Code <<http://www.copyright.gov>>. Section 107 contains a list of various purposes for which the reproduction of a particular work may be considered “fair,” such as teaching. Section 107 also states four factors to be considered in determining whether a particular use is “fair”: (1) purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (2) nature of the copyrighted work; (3) amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) effect of the use upon the potential market for or value of the copyrighted work.
- Employees may use copyrighted materials that (1) have been purchased from an authorized vendor by the individual or the district and a record of the purchase exists; (2) are copies covered by a licensing agreement between the copyright owner and the district or the individual employee; or (3) are being previewed or demonstrated by the user to reach a decision about future purchase or licensing and a valid agreement exists that allows for such use.
- The safest course is always to get permission from the copyright owner before using copyrighted material.

Definition of items or works not copyrightable:

- Words and short phrases such as names, titles, and slogans;
- Familiar symbols or designs, i.e., stop sign; (cartoon characters are copyrightable);
- Mere variation of typographic ornamentation lettering, coloring;
- Mere listing of ingredients or contents;
- Ideas, plans, methods, systems or devices;
- Blank forms, account books, bank checks, diaries, graph paper, order forms, report forms, scorecards, timecards;
- Facts. Facts cannot be copyrighted; factual information is in the public domain. An author can use facts, whether correct or incorrect, which are published in a copyrighted article without asking permission. Copyright permission extends only to an author’s expression of facts and not the facts themselves.

**Based on provisions of Title 17, United States Code <<http://www.copyright.gov>>.*

A printable reference guide, titled “Copyright and Fair use Guidelines for Teachers” is found in Administrative Rule [IFABA-R1](#).