

COPYRIGHT COMPLIANCE

The Board recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio, visual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of "fair use," these four standards must be met for any of the foregoing purposes:

- 1) **The Purpose and Character of the Use:** The use must be for such purposes as teaching or scholarship and must be nonprofit.
- 2) **The Nature of the Copyrighted Work:** Each medium has their own specifics regarding fair use guidelines.
- 3) **The Amount and Substantiality of the Portion Used:** Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- 4) **The Effect of the Use Upon the Potential Market for Value of the Copyrighted Work:** If resulting economic loss to the copyright holder can be shown, making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of even greater infringement penalties.

While the NWESD 189 encourages its staff to assist member districts to enrich learning programs by making proper use of supplementary materials, it is the responsibility of NWESD 189 staff to abide by the requirements of law and NWESD 189 procedures. In no circumstances shall it be necessary for NWESD 189 staff to violate copyright requirements in order to perform their duties properly. The NWESD 189 cannot be responsible for any violations of the copyright law by its staff, contractors, or member district staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the NWESD 189 procedures or is permissible under the law, should contact the Assistant Superintendent for Teaching and Learning, who may also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

The Superintendent or designee shall file with the federal Copyright Office, and post the same information on the NWESD 189 web site, his/her designation as the NWESD 189 agent, in the NWESD 189's role as an Internet service provider, to receive notifications that claim that users of the NWESD 189's Internet network have infringed copyright.

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P.L. 105-304

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