

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: OPERATIONS

TITLE: Copyright Material

ADOPTED: April 27, 1981

REVISED: May 18, 2017

814 COPYRIGHT MATERIAL

Authority

The School Reform Commission emphasizes that federal law makes it illegal for anyone to duplicate copyrighted materials without permission. The SRC acknowledges that severe penalties are provided for unauthorized copying of audio, visual, software, online or printed materials unless the copying falls within the bounds of the fair use doctrine.[\[1\]](#)

Definition

Under the fair use doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. In order for the duplication or alteration of a product to fall within the bounds of fair use, four (4) standards must be met:

1. *Purpose And Character Of The Use* – The use must be for such purposes as teaching or scholarship and must be nonprofit.
2. *Nature Of The Copyrighted Work* – Staff may make single copies of: book chapters for use in research, instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers.
3. *Amount And Substantiality Of The Portion Used* – Copying the whole of a work cannot be considered fair use; copying a small portion may be considered fair use if appropriate guidelines are followed.
4. *Effect Of The Use Upon The Potential Market For Or Value Of The Copyrighted Work* – If resulting economic loss to the copyright holder can be shown, making even a single copy of certain materials may be an infringement; and making multiple copies presents the danger of greater penalties.

Delegation of Responsibility

Staff may make copies of copyrighted school district materials that fall within the established administrative procedures. Where there is reason to believe the material to be copied does not fall within the administrative procedures, prior permission shall be obtained from the principal.

Staff members who fail to adhere to this policy and administrative procedures may be held personally liable for copyright infringement.

Staff members shall be responsible for instructing students in fair copyright practices and academic integrity, including guidance on citing resources appropriately.

Guidelines

It is the policy of the district that all professional materials produced by district employees, in execution of official duties, shall be protected by copyright. The copyright shall be in the name of the School District of Philadelphia. [2]

It is the policy of the district to deny requests for copies of documents that are marked as protected by a copyright of a third party. However, those documents may be available for inspection subject to any applicable law restricting access to exempt, privileged or confidential information. [3]

Legal References:

1. 17 U.S.C. 101 et seq
2. Pol. 319 - Outside Activities
3. Ali v. City of Philadelphia, 1335 C.D. 2014 (Cmwlth. Ct, Oct. 1, 2015)