

**Cambridge Public Schools
Administrative Guidelines and Procedures**

INTELLECTUAL PROPERTY/COPYRIGHT AND FAIR USE

In accordance with the Cambridge School Committee Intellectual Property/Copyright Policy, it is the policy of the Cambridge Public Schools (“CPS”) to comply with federal copyright law, as governed by Title 17 of the United States Code. It is also the policy of the school district that its website and electronic mail communications may not be used in a manner which violates the United States Copyright Act. Pursuant to the Digital Millennium Copyright Act, 17 U.S.C. Section 512(c), the Superintendent of Schools for the Cambridge Public Schools has designated the following office as the school department's agent to receive notification of any claimed copyright infringement: Chief Information Officer, Information, Communication & Technology Services, Cambridge Public Schools, 459 Broadway, Cambridge, Massachusetts 02138 phone: 617-349-9360; facsimile: 617-349-6800; email: ssmith@cpsd.us.

Compliance with these laws is the responsibility of all CPS employees and all employees should become informed about how the law affects their work in the schools. Because the law is complicated, compliance is not an easy task. Nevertheless, it is in the best interest of the school department, and it is the ethical responsibility of the teaching profession, to address copyright issues and make every effort to act within the law. Accordingly, administrators, curriculum specialists, teachers, and library/media staff should familiarize themselves with the guidelines and procedures set forth below and develop reasonable practices that honestly seek to carry out both the letter and the spirit of copyright law.

“Copyright protection subsists . . . in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.” 17 U.S.C. § 102(a). The Code sets forth eight categories of copyrightable works:

1. literary works;
2. musical works, including any accompanying words;
3. dramatic works, including any accompanying music;
4. pantomimes and choreographic works;
5. pictorial, graphic, and sculptural works;
6. motion pictures and other audiovisual works;
7. sound recordings; and
8. architectural works.

Id. Copyright protection does not, however, “extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.” 17 U.S.C. § 102(b).

Unless specific written permission is given by the copyright owner or broadcast station, all CPS employees must comply with the provisions of these guidelines.

Print Media

It is permissible to make a single copy of the following for teaching or learning purposes:

- a chapter from a book;
- an article from a newspaper or periodical;
- a short story, essay, or poem; or
- a chart, graph, diagram, drawing, cartoon, or picture.

It is permissible to make one copy per student of the following *for classroom use only*:

- a complete poem of fewer than 250 words;
- an excerpt of fewer than 250 words from a longer poem;
- an excerpt of no more than two (2) pages and no more than ten percent (10%) of a “special work,” defined as a work of fewer than 2,500 words in the form of poetry, prose, or poetic prose with accompanying illustrations, intended primarily for children; or
- a complete article, short story, or essay, if of fewer than 2,500 words and not a “special work.”

It is **not** permissible to make multiple copies of printed works:

- for another teacher in the same school;
- of work from the same author more than once each term;
- from the same collection or issue more than three times each term; or
- as a substitute for an anthology.

It is **not** permissible to copy *in any amount* printed works intended to be consumed during the course of study, such as workbooks, standardized tests, test booklets, and answer sheets.

Computer Software

With regard to computer software, it is permissible to:

- create new copies as an essential step in the utilization of the computer program in conjunction with a machine that is used in no other manner; or
- make new copies for archival purposes only to be held in case the working copy is destroyed or no longer functioning.

It is **not** permissible to:

- create new copies of copyrighted programs for any purpose other than the two permitted above;
- create new copies while using a networking system; or

- download to, install on, or use in multiple computers simultaneously, as in a networking system, any computer program purchased for use as a “single-machine version,” unless so stipulated in the licensing agreement with the program producer.

Off-Air Recording of Broadcast Programming

With regard to broadcast programming, it is permissible to:

- record a broadcast program off-air simultaneously with transmission and retain for forty-five (45) calendar days after the date of recording; or
- record a broadcast program off-air that may be used once by an individual teacher for relevant classroom activities and may be repeated once, if necessary for reinforcement, during the ten (10) school days after the date recording.

Please note that after the first ten (10) school days following the off-air recording of a broadcast program, recordings may be used up to the end of the forty-five (45) day retention period for teacher evaluation purposes *only*, such as to determine whether the program should be purchased for the curriculum. Such recordings may be made only at the request of and for the use of individual teachers. No broadcast program may be recorded more than once for the same teacher. Such recordings need not be used in their entirety but may not be altered or edited and must include the copyright notice on the program as recorded.

It is **not** permissible to:

- record a broadcast program off-air in anticipation of teacher requests;
- use the recording for instruction after the ten (10) day period; or
- hold the recording for weeks or indefinitely (i) because the recording is needed for instruction beyond the ten (10) day period, (ii) because an interruption or any technical problem delayed its use, (iii) because another teacher wishes to use it, or (iv) for any other presumably “legitimate” educational reason.

For more information, consult the Cambridge School Committee Policy on Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes.

Other Media

With regard to other media not yet discussed, it is permissible to:

- prepare an audio report on a new travel book in the school media center and use a non-copyrighted musical composition as background music;
- use an opaque projector to enlarge a map from a text or library book;
- use a film chain device to transmit a motion picture to classrooms within a single building, provided both the transmitting and receiving equipment is in the same building;
- make an overhead transparency of one page of a workbook or a text in order to demonstrate to students how to proceed with an assignment;

- record a single copy, *which may be retained*, of a musical performance by students for evaluation or rehearsal purposes; or
- make a single copy, *which may be retained*, of a sound recording of copyrighted music from those owned by the individual teacher or by CPS for the purpose of constructing aural exercises or examinations.

It is **not** permissible to:

- make a copy of an educational film, tape, or other copyrighted recording even though CPS has purchased the recording, unless CPS owns the rights to duplicate the recording;
- tape or otherwise record a preview print of a film, tape, or other recording;
- use a film chain to transmit an educational film to every school in the district;
- salvage useable frames or spools from a discarded filmstrip, tape, or other such recording to use for personal purposes;
- copy various musical selections from radio or recorded programs onto a compact disc, cassette tape, or other audio storage medium in order to illustrate the forms of certain kinds of musical composition;
- tape or otherwise record the audio portion of a televised documentary for later playback;
- make a copy of a sound recording on a compact disc, cassette tape, or other audio storage medium to use as a master if the circulation copies are damaged;
- use copyrighted music for a slideshow or any form of recorded production.

Use of Multimedia and Digital Works

Students may be permitted to incorporate the work of another into a multimedia project and perform and display the multimedia creation for an academic assignment in accordance with the portion and time limits set forth below.

Educators may be permitted to incorporate others' works into multimedia projects, in accordance with the portion and time limits below, in order to:

- create curriculum materials;
- teach distance classes to a limited number of students; and/or
- demonstrate at peer conferences.

Students and educators involved in instructional activities may be permitted to use digital images, where "digital image" is defined as the scan of an existing photograph with optical scanning equipment so that the image is stored as a computer file and can be manipulated with software, so long as:

1. the digital image has been lawfully acquired and is not readily available in usable form for purchase or license;
2. the image is displayed for educational purposes; and
3. a copyright notice is included in the display crediting the source of the image.

Please note that any such multimedia projects may be retained for a two (2) year period after the creation of the work. The portion and time limits on multimedia projects are as follows:

- the lesser of ten percent (10%) or three (3) minutes for motion media;
- the lesser of ten percent (10%) or thirty (30) seconds for music;
- the lesser of ten percent (10%) or 1,000 words for text;
- the lesser of ten percent (10%) or fifteen (15) works from a collection, or up to five (5) works from a single author for photographs; and
- the lesser of ten percent (10%) or 2,500 fields for database information.

It is **not** permissible to:

- use a business' name, logo or identifying phrase on a school website, in accordance with the Lanham Act (15 U.S.C. §§ 1051 *et seq.*), under which any word, name, symbol or device or combination thereof that is used to identify a product or service may be afforded trademark protection, of which it is a violation to use such a trademark without the consent of the trademark owner;
- adopt a domain name without conducting a search to determine if it is already owned by another individual, in accordance with the Anti-Cybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)), which prohibits the illegal use of domain names or the registration of internet domain names that are identical to or confusingly similar to a trademark owned by an individual or business;
- set hyperlinks to another website or web page without first obtaining permission to do so from the owner of the website or web page;
- use frames of another website or web page without first obtaining permission to do so from the owner of the website or web page; or
- archive a digital image without first obtaining permission to do so from the owner of the image.

Policy references: IJNDB, IJNDB-1, IJNDC-3, IJNDC-4, IJNDD, IJNDE

Legal references: 15 U.S.C. §§ 1051, 1125(d); 17 U.S.C. § 102

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