

Related Entries: (Not identified at this time)

Copyright

The following guidelines shall be followed with regard to copyright of original works which can be perceived, reproduced or otherwise communicated, directly or with the aid of machine or device:

- (1) Copyright law extends to the original works of authorship, fixed at any tangible medium of expression now known or later developed, from which can be perceived, reproduced or otherwise communicated, either directly or with the aid of machine or device.
- (2) Ideas cannot be copyrighted. Copyright protects the manner in which an idea has been expressed, which is in a work of authorship.
- (3) Works of authorship fall into the following categories:
 - (a) Literary works
 - (b) Musical works, including accompanying words
 - (c) Dramatic works, including accompanying music
 - (d) Pantomimes and choreographic works
 - (e) Pictorial, graphic and sculptural works
 - (f) Sound recordings
 - (g) Motion pictures and other audio/visual works
 - (h) Architectural works
- (4) The Copyright Act provides that learning institutions have the opportunity to use copyrighted work for purposes of teaching, scholarship or research without infringement of the law. This principle is called fair use. The following four basic factors determine fair use:
 - (a) Purpose - the usage is for non-profit or educational purpose, use is permissible.

- 44 (b) Nature - fiction is more likely to be permissible than information derived from
45 or close to actual fact.
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- 47 (c) Substantiality - the portion of a work that is used. The larger the proportion
48 that was used, the less likely to be permissible under fair use.
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- 50 (d) Market Effect - the ability of the author to profit must not be significantly
51 impaired.
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- 53 (5) All employees and students of The School District of Lee County shall follow the
54 Fair Use Guidelines posted on the District information resource networks, and
55 distributed to all schools. These Guidelines include but are not limited to the
56 following types of use:
57
- 58 (a) Single copying for teachers
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- 60 (b) Use of commercial video
61
- 62 (c) Use of materials and sites found on the Internet
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- 64 (d) Off-air recording of broadcast programming
65
- 66 (e) Not for profit performances
67
- 68 (f) Use of images for publications
69
- 70 (g) Use of Images for peer to peer conferences
71
- 72 (h) Digitization of images lawfully acquired
73
- 74 (i) Compilation of digitized images
75
- 76 (j) The author must allow re-use of images spontaneously digitized.
77
- 78 (k) Use of material downloaded or accessed on the Internet which is not placed
79 in the public domain
80
- 81 (6) Any work created by a School District employee in the performance of his/her duties
82 is considered a "work made for hire" and the property of the School District.
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85 **STATUTORY AUTHORITY:** 1001.42, 1001.43, F.S; 17USC102
86

87 Adopted: 1/6/09