

**Complaints
Regarding Copyright
Compliance**

If a copyright or license owner reasonably believes that the District's technology has been used to infringe upon a copyright or license, the owner is encouraged to notify the District.

The District designates the following employee to receive any complaints about copyright infringement in online services:

Leila Sarmecanic, General Counsel
2425 E. Main St.
League City, Texas 77573
281-284-0013
lsarmecanic@ccisd.net

The Superintendent or designee will register this information with the federal Copyright Office, in accordance with federal requirements.

Fair Use

The following guidelines are provided to assist in determining whether a potential use can be considered fair use by balancing all of the four factors below, prescribed in law, and the accompanying considerations:

1. Purpose and Character of Use:
 - a. Nonprofit, educational, or personal use – more likely to be considered fair use.
 - b. Criticism, commentary, news reporting, parody, otherwise “transformative” use – more likely to be considered fair use, particularly if new work significantly alters the original, appeals to a different audience, or is used for another purpose from the original.
 - c. Commercial use – more likely to not be considered fair use if new work is simply a duplication of the original.
2. Nature of the Copyrighted Work to be Used:
 - a. Fact, published – more likely to be considered fair use.
 - b. Mixture of fact and artistic expression – requires balance of considerations at item a above and item c below. For example, if the work contains more fact than artistic expression, then the balance tips in favor of the use being considered fair use. However, using the same example, if a significant amount of facts from the work was used and the work was unpublished, then the balance tips in favor of the use not being considered fair use.
 - c. Artistic, unpublished – more likely to not be considered fair use if work consists of artistic expression. Un-

published works are not likely to be considered fair use; however, a copyrighted work that was published but is no longer in print is likely to be considered fair use.

3. Amount of Copyrighted Work to be Used:
 - a. Small – more likely considered fair use, but must be balanced with preceding factors and considerations. Even if a small portion of the original work used, if that portion is the “heart” or “essence” of the original, then the use is less likely to be considered fair use.
 - b. More than a small amount – the more used, the less likely to be considered fair use. If the amount used exceeds reasonable expectation, or approximately 50 percent, then the use is more likely to not be considered fair use.
4. Effect of Use on the Potential Market for the Copyrighted Work:
 - a. Competes with (takes sales away from) the original – more likely to not be considered fair use.
 - b. Avoids payment for permission (royalties) in established permissions market to use original – more likely to not be considered fair use.

Trademarks

School-related or public use of District and campus trademarks will be in accordance with CY(LOCAL) and the guidelines on content described below. Use of District and campus trademarks will not:

Limitations on Content

1. Be obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. Endorse actions endangering the health or safety of students.
3. Promote illegal use of drugs, alcohol, or other controlled substances.
4. Violate the intellectual property rights, privacy rights, or other rights of another person.
5. Contain defamatory statements about public figures or others.
6. Advocate imminent lawless or disruptive action likely to incite or produce such action.
7. Attack ethnic, religious, or racial groups.
8. Contain content aimed at creating hostility and violence.
9. Materially and substantially interfere with school activities or the rights of others.

Performances	<p>Generally, a public performance of electronic media violates copyright law.</p>
Classroom Exemption	<p>The U.S. Copyright Act of 1976, Section 110, Title 17, provides “classroom” exemption whereby educators may use electronic media for educational purposes if the following criteria are met.</p>
Criteria	<p>The classroom exemption is applicable if the electronic media is used:</p> <ul style="list-style-type: none"> • By instructors; • In the course of face-to-face instruction; • As teaching activities of a nonprofit educational institution; or • In a classroom or similar place devoted to instruction. <p>All conditions of the classroom exemption must be met in order for it to be permissible to show a legally obtained electronic media in a classroom without requesting public performance rights from the copyright owner.</p>
Definitions	<p>The term “instructors” is defined as the designated teacher of a class and may also include a guest lecturer or substitute teacher.</p> <p>Pupils are members of the enrolled class.</p> <p>A performance is only exempt if it occurs during face-to-face teaching activities. Instructors and pupils must be in the same general place, but do not necessarily need to be able to see one another or be in the same room.</p> <p>The teaching activities requirement does not include performances, regardless of their cultural value or intellectual appeal, which are given for recreation or entertainment purposes. The classroom exemption would not apply to non-instructional performances used as filler, for reward, or for motivation.</p> <p>A performance is exempt only if it takes place in a classroom or similar place devoted to instruction in which audience members are of a particular class. If the performance is not in a classroom, then the similar place must be a place that is actually used as a classroom for instructional activities like a library, workshop, gymnasium, or auditorium.</p>
Electronic Media	<p>All electronic media purchased with school funds for use with electronic media players shall be used in the classroom for educational purposes only and in accordance with U.S. Copyright Act of 1976, Section 110(1).</p>

Electronic media with a PG, PG-13, or R rating shall be used in the classroom only with the prior approval of the principal or designee [See EF(EXHIBIT A)]. Materials may be shown only after receiving parental permission [See EF(EXHIBIT B)]. Electronic media may be used only for educational purposes and in accordance with U.S. Copyright Act of 1976, Section 110(1).

Privately Owned or Rented Electronic Media

Privately owned or rented electronic media shall be used in the classroom only with the prior approval of the principal or designee [See EF(EXHIBIT A)]. In addition, materials with a PG, PG-13, or R rating may be shown only after receiving parental permission [See EF(EXHIBIT B)]. Electronic media may be used only for educational purposes and in accordance with U.S. Copyright Act of 1976, Section 110(1).

Computer Software

Unless otherwise provided in the purchase agreement, a purchased computer program shall not be used to make copies. A computer program may be legally copied only if:

1. Making a copy is an essential step in using the program (such as automatic copying into memory when a program is loaded); or
2. The new copy is a backup; backups cannot be used simultaneously with the original and must be erased if the original is resold.

District employees shall not use the same program on more than one computer at a time unless the purchase agreement or written permission from the vendor allows the District to network the program or allows other specified multiple use of the single copy.

Streaming Media Guidelines

Streaming media should come from curriculum approved sources and vendor-approved district contracts. Other online streaming companies without district contracts are not approved sources for streaming media unless the company provides allowances for educational streaming, such as documentaries. Streaming media should not be downloaded or shared unless the purchase agreement or written permission from the vendor allows the district to download and/or share the content.

Purchasing Guidelines

To avoid copyright concerns regarding electronic media use, the following guidelines will apply:

- Use purchase orders for all campus electronic media purchases.
- Select vendors that are educational suppliers of electronic media from the district approved vendor list. Electronic media purchased from vendors that target the home video market

and do not provide public performance rights with purchase will cause a copyright violation to occur when shown in the educational setting.

- Carefully read vendor catalogs and purchase agreements to be aware of any additional privileges or restrictions.
- Purchases of electronic media from companies that do not supply a written copy of the performance rights with the items purchased are prohibited.
- Motion pictures that are used as an enrichment activity, shall require purchase of an annual license from educational suppliers.