

The Center for Creativity, Innovation and Discovery

Copyright Policy

The Governing Board of The Center for Creativity, Innovation and Discovery (“CCID”) is committed to full compliance with the provisions of current copyright laws and Congressional guidelines. Employees and students are expected to adhere to all provisions of Title 17 of the United States Code, entitled “Copyrights,” and other relevant federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.

The Governing Board acknowledges that the purpose of copyright law is to balance the rights of both authors (copyright holders) and users in the promotion of creativity, innovation, and the spread of knowledge. This policy applies to the work of students and teachers who use other people's copyrighted material as part of their own academic or creative work, and it embodies the core legal principles of the Copyright Act of 1976.

The Governing Board acknowledges that students or teachers may want to incorporate copyrighted materials including text, photographs, music, film or video clips into instruction and digital media productions as part of academic or creative work. They may want to use materials produced by media professionals (like the Associated Press, the New York Times, PBS News Hour, or ABC News) as well as media produced by amateurs (like quotes from bloggers, Flickr photos, or YouTube videos).

The Governing Board instructs the Administration to ensure that employees and students of CCID are aware of their responsibilities consistent with federal laws, fair use guidelines, and this copyright policy in their use of copyrighted materials.

Authors' Rights

Any creative work, in fixed and tangible form, is copyrighted. Anything you create (writing, video, images, music, etc.) is automatically copyrighted at the moment you create it. As a creative individual, you are protected by copyright law, which gives you rights to control how your works are distributed. As the copyright holder, you are responsible for detecting infringement. When other people distribute your copyrighted work without your permission, this may be an infringement of your legal rights. Violating copyright can have severe financial consequences but it can be expensive and time-consuming to pursue legal action.

User's Rights

Under some circumstances, users can use copyrighted works as part of their own creative work. The doctrine of fair use (Section 107 of the Copyright Act of 1976) states that people can use copyrighted works without payment or permission when the social

benefit of the use outweighs the harms to the copyright holder. To make a fair use determination, users consider all the factors involved in the context and situation of their use of the copyrighted material. Fair use is especially helpful when people want to use small amounts of a copyrighted work for socially beneficial purposes, like news reporting, teaching, comment and criticism, research and scholarship. In the context of copyright law, the doctrine of fair use is one of the main guarantees of free expression. News reporters depend on fair use because of its obvious importance in disseminating information. Broadcasting professionals routinely claim fair use when they make use of short clips from popular films, classic TV programs, archival images, and popular songs without payment or permission.

Special Exemptions for Teachers and Librarians

Copyright law includes provisions that enable educators to use copyrighted material for teaching and learning. Section 110 allows educators to make performances and displays of all types of works in a classroom. Students and teachers can show videos, read plays, project slides or use copyrighted materials in other ways for educational purposes. When materials are used for online distribution, the law allows posting of materials to servers under some conditions. When teachers want to use materials for online learning, they may also rely on the doctrine of fair use or seek permission.

Attribution and Good Faith

Some people mistakenly believe that they can use any copyrighted work in their own creative work as long as they "cite their sources" or use attribution to identify the author. Using attribution is sign of good faith in the fair use process, but it does not shield a user from copyright liability. That's why it's important to make a careful fair use determination using the process described below. CCID recommends that teachers and students make use of attribution whenever possible, even though attribution is not required in order to claim fair use. Many broadcasters use short excerpts of copyrighted clips under fair use without attribution, for example. Students and teachers should review the various norms for attribution that exist across different media genres (non-fiction, scientific writing, art, poetry, websites, documentary film, etc.).

Making a Fair Use Determination: Author's Rights

Critical thinking is required to make a fair use determination. Two questions must be considered:

1. Transformativeness. Is the use of a copyrighted work transformative? Is the user using the material for a different purpose than that of the original? Is the user simply repeating the work for the same intent and value as the original?
2. Amount. Is the user using only the amount needed to accomplish an appropriate purpose, considering the nature of the copyrighted work and the use of it?

The law empowers users to make a fair use determination for themselves. Thinking about the issue from the perspective of both the copyright holder and one's own point of view is important.

Permission and Licensing

If an individual is using copyrighted material for the same purpose as the original or an individual does not feel that his/her use of the work qualifies for a fair use exemption, CCID recommends that the user ask permission from the copyright holder.

Prohibitions and Guidelines

1. Unlawful copies of copyrighted materials may not be produced on CCID-owned equipment, used with CCID-owned equipment, used within CCID-owned facilities, or used at CCID-sponsored functions.
2. The legal and insurance protection of CCID will not be extended to employees who unlawfully copy and use copyrighted materials.
3. Employees who make copies and/or use copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use, public display, and computer guidelines. Employees are further expected to be able to provide their supervisor, upon request, the justification based on fair use, public display, or computer guidelines, as specified in the copyright laws.
4. Employees who use copyrighted materials that do not fall within fair use, public display, or computer guidelines must be able to substantiate that the materials meet one of the following tests:
 - The materials have been purchased from an authorized vendor by the employee or the school;
 - The materials are copies covered by a licensing agreement between the copyright owner and the school;
 - The materials are being previewed or demonstrated by the user to reach a decision about future purchase or licensing and a valid agreement exists that allows for such use.
5. Permissible copies of sheet music include emergency copies to replace purchased copies, which are not available for an imminent performance provided that replacement copies are either purchased in due course or immediately destroyed following the performance.
6. Multiple copies of excerpts of works may be made for academic purposes, provided that the excerpts do not constitute a performable unit, but in no case more than 10% of the whole work. The number of copies may not exceed one per student.
7. A single copy may be made of a performable unit that is out of print or unavailable except in a larger work provided that the copy is for the use of the teacher in scholarly research or preparation to teach a class.
8. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or added, if none exist.

9. A single copy of a sound recording of copyrighted music may be made from sound recordings owned by the school or the teacher for the purpose of constructing aural exercises or examinations.
10. Use of broadcast programs, including commercial and public television and radio, shall not be videotaped or tape-recorded for reuse without permission.
11. When creating digital tests, presentations, or other resource or product, the sharing or privacy level needs to be set to school community rather than the general public or the “world” in order for these resources to be considered “for educational use only” and for compliance with the terms of use of our educational resources. This rule applies to purchased and unpurchased resources.
12. Teachers may make a single copy of any of the following for his/her own scholarly use in research, teaching, or class preparation:
 - a. A chapter from a book
 - b. An article from a periodical or newspaper
 - c. A short story, short essay, or short poem, whether or not from a collective work
 - d. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper
13. Teachers may make multiple copies (not to exceed one copy per student in a course) for the purpose of classroom use of discussion, provided that the copying meets the tests of brevity, spontaneity, and cumulative effect as outlined, and each copy includes a notice of copyright.
14. The brevity test includes the following: poetry, not to exceed 250 words; prose, either a complete article, story or essay, or less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever, is less, with a minimum of 500 words; illustration, one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical; special works that combine poetry, prose and illustration (sometimes intended for children), not more than 2,500 words.
15. The spontaneity test includes the following: the copying is at the inspiration of the individual teacher for the purpose of maximum teaching effectiveness, and the work’s needed use subsequent to this inspiration is so close in time as not to permit a timely reply to a request for permission.
16. The cumulative test includes the following: the copying of the material is for only one course in the school in which the copies are made; the copying includes no more than one short poem, article, story, essay, or two excerpts from the same author, or three excerpts from the same collective work or periodical volume during one class term; no more than nine instances of such multiple copying for one course during one class term; and that these limitations do not apply to current news periodicals and newspapers or current news sections of other periodicals.
17. Approved excerpts of video or DVDs must be part of the instructional program, must be used in the context of systematic instructional activities or “face-to-face” teaching activities, and must be shown with an understanding of a work’s individual restrictions.

18. The use of illegally copied software is prohibited at CCID, and all software licensing agreements of copyright holders must be observed; school equipment may not be used to make illegal copies of software.
19. The use of illegally copied music is prohibited at CCID, and all music licensing agreements of copyright holders must be observed; school equipment may not be used to make illegal copies of music.