

## SAN DIEGO CITY SCHOOLS

### **TO COPY OR NOT TO COPY** **Should I copy these © materials?**

#### ∞ *What does the law say?*

Copying without permission is a violation of the Copyright Act of 1976. Under the Act, published, copyrighted educational materials are protected like other literary works. Materials that are intended to be consumable must not be copied. These include workbooks, exercises, standardized tests, test booklets, answer sheets and like consumable materials.

If people tell you the law does not apply to educators or to state governments, they are wrong. Federal court decisions in recent years have repeatedly upheld copyright protection. The courts are enforcing the Act.

#### ∞ *What do educators say?*

There is a definite trend among education policy makers towards strict compliance with copyright law. They've read the law and the court decisions and they wish to avoid the penalties. Your district may have a policy which puts the burden of liability on your shoulders for the prevention of illegal copying as well as overseeing adherence to legal and ethical standards.

#### ∞ *What can I do?*

Discourage the purchase of single copies when you know that a single copy won't meet teacher and student needs.

Make sure you are on a firm legal ground when saying "yes" to someone who wants to make a copy. If you are not sure, a call to an attorney could save a lot of trouble.

Encourage others to plan ahead so they can anticipate their need for multiple copies of a particular item. With enough lead time, you would have the latitude to purchase the copies needed.

#### ∞ *What do publishers say?*

Publishers are keenly aware of the financial problems schools face. They understand the pressures teachers and administrators face.

However, these pressures and problems do not excuse violations of the Copyright Act. They believe unauthorized copying is an unacceptable solution to the problem of funding.

You and your students suffer the most because you will:

- Have fewer selections
- Pay a higher price to offset the losses caused by those who copy without paying a cent.

∞ *Does and Don'ts?*

1. Don't make a copy unless you have the permission of the publishers.
2. Be skeptical of those who say, "Go ahead and copy, nobody will ever know."
3. Do buy enough materials to get your job done. Buying enough will relieve the temptation to make unauthorized copies.
4. If you accept a preview or on-approval copy from a publisher, distributor or dealer, be responsible for ensuring that no copies are made. The copyright law applies to previews just as it applies to materials you have already purchased.
5. Do share with teachers, students and administrative personnel a statement reflecting your personal respect for the copyright law. Your leadership will inspire others to maintain ethical practices.
6. If you are a parent, set a good example at home and at work. Parents should be good role models in promoting respect for the Copyright Act.

References:

Publishing Law Handbook, Ad Hoc Committee on Copyright Law Revision 1976.  
Should I Copy Software? International Communications Industries Association 1976.  
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