

USE OF COPYRIGHTED MATERIALS

The Monterey County Board of Education (County Board) recognizes the importance of ensuring that the Monterey County Office of Education (MCOE) complies with federal law regarding copyrights. MCOE staff and students are expected to maintain the highest ethical standards in using copyrighted materials.

It is the County Board's intention that the staff and students adhere to the provisions of the United States copyright laws in the area of print, music, software, multimedia, world wide web, computers, and digital materials. It is particularly important that everyone observes all publisher licensing agreements between computer software vendors and MCOE, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, no one shall make multiple copies of a computer program or software. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

The County Board or the Monterey County Superintendent of Schools (County Superintendent) will not be responsible for any violation of copyright laws by its staff or students. If a staff member is uncertain as to whether reproducing or using copyrighted material complies with the law, he/she shall contact the County Superintendent or designee for clarification and assistance. At no time shall it be necessary for an MCOE employee to violate copyright laws in order to perform his/her duties.

In an effort to discourage violation of copyright laws and to prevent illegal activities, the County Superintendent will ensure the following:

1. Inform all employees of MCOE regarding changes in copyright laws and the ethical and practical ramifications caused by piracy. Review current policy with new employees upon orientation.
2. MCOE legal or insurance protection will not be extended to employees who violate copyright laws.
3. Establish rules and regulations for MCOE to carry out the provisions of the United States copyright laws.

4. Notify school district superintendents of changes in copyright laws and encourage them to revise their local policy as needed.
5. Make sample district policy/policies available to school districts.
6. Provide links for Websites with frequently asked questions and copyright information on the MCOE website.

Legal Reference:

EDUCATION CODE

35182 *Computer software*

UNITED STATES CODE, TITLE 17

101-122 *Subject matter and scope of copyright, especially:*

102 *Definitions*

107 *Fair use*

110 *Limitations on exclusive rights: Exemption of certain performances and displays*

COURT DECISIONS

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

Adopted: 4/02/86

Revised: 11/19/86; 6/16/04; 11/05/08