Instruction

Video Programming Regulations and Procedures

In accordance with Board of Education Policy IIBE, the following video programming regulations and procedures have been developed for employees to follow in order to be in compliance with Board policy and copyright regulations:

I. Videotapes

Copyright regulations protect audiovisual works such as films and videotapes. The rights of copyright include the rights of reproduction, adaptation, distribution, public performance, and display. All of these rights are subject, however, to "fair use", depending on the purpose of the use, the nature of the work, the amount of the work used, and the effect the use has on the market for the copyrighted work. ("Fair use" is defined as the right to use copyrighted material without permission or payment in certain circumstances.)

Libraries purchase a wide range of educational and entertainment videotapes for in-library use and for lending to patrons. Since ownership of a physical object is different from ownership of the copyright therein, guidelines are necessary to define what libraries can do with the videotapes they own without infringing upon the copyrights they don't. If a particular use would be an infringement, permission can be sought from the copyright owner.

A. In-Classroom Use

1. The performance must be by instructors (including guest lecturers) or by pupils; and
2. the performance is in connection with face-to-face teaching activities; and
3. the entire audience is involved in the teaching activity; and
4. the entire audience is in the same room or same general area;
5. the teaching activities are conducted by a nonprofit education institution; and
6. the performance takes place in a classroom or similar place devoted to instruction, such as a school library, gym, auditorium, or workshop;
7. the videotape is lawfully made; the person responsible had no reason to believe that the videotape was unlawfully made.
B. Television (Off-Air Taping)

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after the date of recording.
2. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed.
3. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period.
4. The off-air recordings may be repeated once only when instructional reinforcement is necessary.
5. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in advance of requests.
6. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content.
8. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

C. Permission to Copy

1. If a question exists as to whether a particular act of copying might be in violation of the copyright law, it is prudent to request permission.
2. A copy of each request must be kept on file in the school.
3. The request should include the following information as appropriate:
   a. Title, Author(s), Editor(s), or Publisher, Producer(s), or Distributor
   b. Edition, Copyright, and/or Production Year
   c. Exact amount of material to be used
   d. Reference to the initial contact individual, by name, in the letter if the initial contact was made by phone
e. Nature of the use (i.e., how many times, when, and with whom the material will be used)
f. Number of copies to be made
g. How the material will be reproduced

D. Copyright Infringement

1. The copyright law specifies a normal penalty from $250 to $10,000 in statutory damages for each violation.

2. Even if a defendant is judged not to be in violation of the law, court costs and attorney’s fees must still be borne by the individual and/or organization charged with the copyright infringement.

E. Duplication of Videotapes

1. Under limited circumstances, libraries may dupe a videotape or a part thereof, but the copyright regulations which librarians routinely utilize with respect to photocopying, apply to the reproduction.