

Copyright @ School COMPUTER SOFTWARE

Do's and Don'ts of Copyright Issues for Educators

The information contained in this document is not a complete summary of copyright laws. It was created by the HCPSS Library Media Advisory Committee and is intended to provide some information for teachers and library media specialists to use when they are faced with copyright questions.

According to *The Copyright Primer for Librarians and Educators* (ALA/NEA, 1995), “there is a misperception among many librarians and educators that anything may be copied for educational usage or archival purposes, and this is not true. A simple test posing three questions provides guidance:

1. Would I perform this use with print media in this setting?
2. Am I doing something to prevent purchase, lease, or licensing?
3. Do I hope I will not get caught?

An affirmative answer to any of these questions can mean that the activity is questionable.” If fair use guidelines are to be exceeded, permission must be obtained from the producer.

Acceptable Use

- Computer software may be loaded onto as many machines you have licenses for.
- If you purchase a single user license you may only load it onto one machine. If you purchase a lab pack (per the agreement 5, 10, 15 etc. machines), you may only load it onto the number of computers designated in the license.
- You may make one archival copy of a software program. The copy may not be used or circulated.
- You may make one archival copy of the documentation of a software program. More than one copy requires permission.
- Computer clubs not organized by school system employees must agree in writing to follow copyright laws.

Unacceptable Use

- Software purchased for home use may not be loaded onto school computers to facilitate the transfer of files from home to school.
- Software purchased for school use may not be loaded onto a home computer to facilitate the transfer of files from school to home.

Recommendations

- File and maintain all copyright licenses and records.
- One archival copy of all software programs and documentation should be made and filed (section 117, Public Law 96-517).

- Software installed on a network must have a network license. Do not install non-network software onto a network.
- Equipment that facilitates copying should not be made available or loaned.
- Library media specialists should refuse to lend software to anyone who indicates that they plan to make illegal copies.
- Copyright warning notices should be placed on all circulating software.

Examples

- A teacher asks a library media specialist to install a program already loaded at home onto his/her class computer. The school owns an older version of the same program.

This violates the copyright law because having the same software loaded on two computers, even if they are not in use at the same time is not permitted.

- A new computer is assigned to a teaching area. The older machine is still in use in the area. The teacher asks the library media specialist to load all of the software currently loaded on the older machine onto the new machine.

This violates the copyright law if the software is not removed from the older computer or if the license agreement does not have any additional copies available to load.

A team area has a cluster of six computers. The teacher never knows which computer will be available when a student asks to use a copy of a particular CD-ROM program. The teacher asks the library media specialist to install the program onto all of the computers so it will work on whatever computer is free.

This practice is not recommended. IF your license indicates you may install the software on only one machine, that is what you must do, regardless of the inconvenience.

Glossary

Archival Copy - a back-up copy of the software in case the original fails to run. It is not meant as a second copy.

Freeware/Public Domain Software - a computer program that has been released by the author to be freely copied by whoever would like to use it.

Lab Pack - software that is sold for a designated number of computers only (generally for 5 or 10 computers).

License Agreement - a written agreement that defines the terms and conditions under which the software may be used.

Piracy - illegal copying of computer software

Shareware - the copyright creator distributes software to allow the user to load and use the software for a trial period. The user is expected to register software and pay a fee if he/she would like to continue using the software.

Copyright Resources for Further Information

Books

Simpson, Carol. *Copyright for Schools A Practical Guide, 3rd edition*. Linworth Publishing, Inc., 2001.

Talab, R.S. *Commonsense Copyright: A Guide for Educators and Librarians*. McFarland, & Co., 1999.

Websites

Software and Information Industry Association - Software Use & the Law
www.siaa.net/piracy/copyright/law.asp

U.S. Copyright Office
www.lcweb.loc.gov/copyright

A Visit to Copyright Bay
<http://www.stfrancis.edu/cid/copyrightbay/>