

## COMPUTER SOFTWARE COPYRIGHT COMPLIANCE

### General Procedures

In an effort to discourage violation of software copyright laws and to prevent illegal use of the computer system, staff shall follow the procedures listed below:

1. Division employees will be expected to adhere to the provisions of software copyright law, which allows for the making of a back-up copy of computer programs. This section provides that it is not an infringement when the owner of a copy of computer programs makes or authorizes the making of a copy or adaptation of that computer program provided:
  - a. That such a new copy of adaptation is created as an essential step in the utilization of the computer program in conjunction with the machine and that it is used in no other manner, or
  - b. That such a new copy of adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

The following computer software may also be copied by or at the individual request of a staff member for classroom use:

- a. In-house production; and
  - b. Works that are not copyrighted or works in the public domain.
2. The proper use of computers will be taught through planned computer curriculum and computer-related instruction of students. Staff will address the ethical and practical problems caused by software piracy.
  3. Division employees are expected to maintain software and supporting manuals in a safe place. The manual needs to be available for software and hardware audits.
  4. When software is being used on a disk sharing system, efforts shall be made to secure this software from copying.
  5. Illegal copies of copyrighted programs may not be made or used on school division equipment.
  6. The superintendent or his/her designee is the only individual who may sign licensing agreements for software in the school division. Each school using the software should have a copy of the signed software duplication agreement.

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7. No employee of the school division will illegally access any database or electronic bulletin board.
8. No employee of the school division shall encourage or allow any student to illegally duplicate computer software or illegally access any database or electronic bulletin board.
9. The principal of each school site or manager of each department is responsible for enforcing this regulation.

Penalties for Infringement of Copyright

Educators, educational institutions, and school divisions may be sued if they violate or infringe the rights of copyright owners. The legal or insurance protection of Portsmouth City Public Schools will not be extended to employees who knowingly violate copyright laws.

Copyright infringement involving the reproduction or distribution of at least 10 copies of one or more copyrighted works with a retail value in excess of \$2,500 (any kind, not lost computer software) within a 180-day period is a felony. A first offense is punishable in general by a sentence of up to 5 years and/or a fine of up to \$250,000 for individuals and up to \$500,000 for organizations. Any subsequent offense is punishable in general by a sentence of up to 10 years and/or the fines specified above.

Approved: August 4, 1998

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