

COMPUTER/COMPUTER SOFTWARE/COPYRIGHTS

Purpose:

It is the policy of the Arlington Local Schools that computer laboratories, personal computers in the classrooms, and those personal computers used throughout the school building shall be used to the best possible educational advantage for our students. The policy of the Arlington Local School does not condone, facilitate or permit unlawful copying of copyrighted software.

Policy:

Personal computers are to be used in a manner that:

1. recognizes and protects the property and security interests of the school.
2. preserves the confidentiality and integrity of the school's programs and information resources.
3. honors the valid copyrights and trade secret rights of others. Protection schemes, licenses and copyrights of software purchased or used by the school will be honored unconditionally.
4. the hardware and software shall be protected against misuse, unauthorized removal, and environmental damage.
5. confidentiality and integrity of school supplied information bases, programs and networks will be protected.
6. use of school-owned equipment and software shall be limited to school purposes only. Within applicable guidelines and procedures, school-owned equipment may be placed in the care of an employee.
7. the use of employee-owned equipment or software may be permitted on a voluntary basis with appropriate administrator approval. The administrator must ensure that the integrity and availability of school information will not be hampered if and when the employee ceases to work at the school.
8. backup and recovery of programs and data must be considered and an appropriate plan in place before implementing any computer system.
9. use of employee owned software must not violate any of the above provisions, i.e. copyrights, etc.

Computer Software Copyright Infringement

Copyrighted software should not be copied unless written permission is first obtained from the copyright owner. The one exception is the purchaser of copyrighted software can make one copy for archival purposes only. The Copyright Act of 1976 provides that software is protectable as a form of copyrightable literary work. Source code (human readable form) as well as object code (machine readable binary form) are copyrightable. The Act grants to the copyright owner the exclusive rights to reproduce, adapt, revise, translate as well as distribute, and display copies of the software.

The “mode of expression” provided in the software is protected.

The idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained or embodied within the expression is not protected; however, recent case law has held that “expression” may extend beyond the program’s literal code to its “structure, sequence and organization.” All or any part of copyrighted software should not be copied unless written permission is first obtained from the copyright owner.

Infringement of copyright occurs when an individual copies from a protected work to such an extent as to create a substantially similar work. What constitutes substantial similarity and how to prove it in a court of law are extremely complex issues.

Reproducing copyrighted software without written authorization from the copyright owner in the U.S. is a federal offense. Civil damages can be as much as \$50,000 or more and criminal penalties include fines and imprisonment.

Use of a proper copyright notice is required to maintain protection. As a regular practice, the notice of copyright should be written into the code, printed on the label or packaging, and appear on the screen. Section 401 of the Act requires that when a copyrighted work is lawfully copied, a notice of copyright shall be placed on all publicly distributed copies. The notice should be placed on the work so that it can be visually perceived either directly or with the aid of a machine or device.

Usage Standards:

School-owned equipment and software may be placed in the care of an employee. A check-out procedure to track hardware or software taken from the school shall be established. The employee must acknowledge in writing that he/she is accountable for the equipment and software and that the use of the equipment or software is for school business only.

Precautions must be taken to prevent school software from being contaminated or destroyed by computer viruses. Extreme care must be taken in transferring any software between employee-owned and school-owned equipment. Software placed in the care of an employee should be backed up immediately prior to being used on employee-owned equipment.

It is the Arlington School’s responsibility to ensure that a specific software package is being used only one computer at a time unless the software license specifically allows multiple usage. Failure to do so could result in copyright litigation.

Inventory:

All school-owned equipment and software packages will be identified with an inventory number tag. A master list will be kept by the systems operator with a second list available in the Superintendent’s office.