



COPYRIGHT OR WRONG?

Nov 2, 2018

Today's internet is fertile ground for inadvertent copyright infringement in an educational setting. While scanning Facebook or Twitter, one of your teachers may notice a photograph of a historical event and "retweet" it to his or her class. In another scenario, a coach sees a motivational paragraph online or in a book and copies the paragraph. He or she later shares the paragraph with the team on Instagram or Snapchat. The coach may not have transcribed the original words, but simply rebroadcasted the same. In both scenarios, someone's copyright may have been infringed.

The first line of defense is to educate your staff regarding copyrights. First and foremost, "I found it on the internet," is not a strong defense. The same can be said for, "It didn't say it was copyrighted." Taking the time to educate your staff on what could potentially be copyright protected material and how to handle it on social media can limit the overall exposure for your school district.

When confronted with a potential violation, the best defense is to remove the item at issue. By immediately removing, you limit any potential damages. If you have been contacted by someone claiming copyright ownership and infringement, then a quick assessment is needed. Sometimes the violation can be dealt with the purchase of a nominal licensing fee. In other cases, simply acknowledging the source of the material may be enough. However, what if a lawsuit has been threatened? Often, a letter arrives at your administration offices demanding a settlement or an offer to purchase a license for a substantial fee. A cottage industry has evolved where social media is scanned for offending material. If that scan turns up a retweet or rebroadcast by a school, school club or sports team, a letter is sent to the school district. This type of letter may offer a resolution for an immediate payment of \$7,500 or more. If faced with such a scenario, you should consult with an attorney to determine your potential exposure. In many cases, these misunderstandings can be resolved for substantially less than the exorbitant fees demanded.

Please contact any of the listed attorneys should you have any questions regarding the subject matter of this alert.

