

**CLASSIFICATION: Administration****ADOPTED: 12/8/93****REVISED: 8/20/03****SUBJECT: Use of Copyrighted Materials, Trademarks,  
Servicemarks, and Patented Inventions****PAGE: 1 of 3**

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It is the intent of the San Diego County Board of Education to adhere to the provisions of all copyright, trademark, and patent laws and to maintain the highest ethical standards in the protection of intellectual property rights. Willful infringement of copyright, trademark, and patent laws by employees of the County Superintendent of Schools is prohibited. It is the policy of the County Board of Education that employees should be informed of the possible consequences of violations of laws related to intellectual property rights. The County Board of Education, therefore, directs the County Superintendent of Schools or designee to provide employees of the County Superintendent of Schools with guidelines that ensure compliance with all applicable copyright, trademark, and patent laws.

#### Copyrighted Works

Copyright protected works, as defined in section 102 of Title 17, United States Code, may not be reproduced, adapted, distributed, performed, or displayed without permission from the copyright holder unless use complies with the Fair Use guidelines established by law and outlined in Administrative Regulation No. 2300. Original works of authorship are protected by copyright laws, whether in written, electronic, or other formats and, if published on or after March 1, 1989, regardless of whether they contain a notice of copyright.

#### Trademarks and Servicemarks

Trademarks and servicemarks, as defined in section 1127 of Title 15, United States Code, whether registered or claimed through legitimate use, carry a legal presumption of ownership and grant the owner an exclusive right to use of the mark. The use by employees of the County Superintendent of Schools of trademarks or servicemarks without the consent of the registrant or in a manner that is likely to cause confusion or mistake or to deceive is prohibited.

#### Patents

A patent for an invention, issued in accordance with Title 35, United States Code, grants property rights to the inventor. Infringement of a patent generally consists of the unauthorized making, using, offering for sale, or selling of any patented invention. Patent infringement by employees of the County Superintendent of Schools is prohibited.

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The County Board of Education does not sanction illegal use or unauthorized duplication of copyrighted materials, trademarks, servicemarks, or patented inventions. Employees of the County Superintendent of Schools are hereby notified that willful infringement of the law may result in disciplinary action. When infringement has been a willful act of an employee of the County Superintendent of Schools, that employee may be personally liable for damages, and the County Board of Education and County Superintendent of Schools may not indemnify (protect or exempt from loss or damage) the employee. Responsibility for compliance with copyright, trademark, and patent laws and guidelines lies with the originator (the person who requested) of materials to be copied or used, not with an employee reviewing or authorizing the duplication or use.

Employees of the County Superintendent of Schools should be aware that a court may:

- C assess actual damages or statutory damages not to exceed one hundred fifty thousand dollars (\$150,000) in cases of copyright infringement. Copyright infringement may also be a crime punishable by imprisonment and/or fine.
- C award up to three times the amount of actual damages for violations of trademark laws or up to \$100,000 for each illegal use of a trademark or servicemark.
- C award punitive damages up to three times the amount of actual damages in cases of patent infringement.

The County Superintendent of Schools shall maintain administrative regulations and train employees in the lawful use of copyrighted materials, trademarks, servicemarks, and patented inventions in the schools and programs operated by the County Superintendent of Schools.

**SAN DIEGO COUNTY OFFICE OF EDUCATION**

**POLICY NO. 2300**

**CLASSIFICATION: Administration**

**ADOPTED: 12/8/93**

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**Administrative Regulation No.: 2300**

**Derivation: Former Board Policy No. 2500, Adopted 12/8/93, Amended and Renumbered, 2300, 5/10/95,  
Amended 8/20/03.**

**Legal Reference: U.S. Constitution, Article I, Section 8**

**United States Code, Title 15**

**Trademark Act of 1946, effective July 5, 1946**

**Trademark Amendments Act of 1999, effective January 6, 1999**

**United States Code, Title 17**

**Copyright Act of 1976, PL 94-553, effective January 1, 1978**

**Amends Section 117, PL 96-517, effective December 12, 1980**

**Legal Opinion Regarding Duplication of Computer Software (5-4694), Legal Counsel,  
State Department of Education**

**United States Code, Title 35**

**American Inventor's Protection Act of 1999, PL 106-113, effective November 29, 1999**

**Management Resources: Guidelines for Off-Air Recording of Broadcast Programming for Educational  
Purposes (Congressional Record, October 14, 1981)**

**U.S. Copyright Office Web site at: <[www.loc.gov/copyright](http://www.loc.gov/copyright)>**

**U.S. Patent and Trademark Office Web site at: <[www.uspto.gov/](http://www.uspto.gov/)>**