



COPYRIGHT POLICY AND FAIR DEALING GUIDELINES

Procedures

ADMINISTRATIVE REGULATIONS

District School Board Ontario North East will communicate the Fair Dealing Guidelines to all school locations on an annual basis in order to ensure that all staff understand the obligations of the school board in accordance with the Copyright Modernization Act.

- 1.0** Superintendents, principals, managers and supervisors must:
 - 1.1** Ensure staff are aware of their obligations under the Copyright Modernization Act and familiar with the Fair Dealing Guidelines (Appendix A);
 - 1.2** Ensure that Fair Dealing Guidelines and the Consumables poster (Appendix C) are displayed prominently beside each photocopier at their school or work location;
 - 1.3** Discuss copyright and fair dealing with staff in their schools.

- 2.0** All staff must understand and abide by the Fair Dealing Guidelines when producing resources, including legalities and copyright restrictions related to published materials.

Appendices

Appendix A: Fair Dealing Guidelines

Appendix B: Suggested speaking points for principal

Appendix C: Posters

References

Copyright Modernization Act

Fair Dealing Guidelines – Council of Ministers of Education Canada (CMEC) Copyright Consortium

Appendix A

FAIR DEALING GUIDELINES

These guidelines apply to fair dealing in non-profit K-12 schools and post-secondary educational institutions and provide reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act and the Supreme Court decisions.

Guidelines

1. Teachers, instructors, professors and staff members in non-profit educational institutions may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire and parody.
2. Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines for the purpose of news reporting, criticism or review should mention the source and, if given in the source, the name of the author or creator of the work.
3. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
 - a. as a class handout
 - b. as a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution
 - c. as part of a course pack
4. A short excerpt means:
 - a. up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)
 - b. one chapter from a book
 - c. a single article from a periodical
 - d. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
 - e. an entire newspaper article or page
 - f. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
 - g. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work
5. Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
6. Copying or communicating that exceeds the limits in these Fair Dealing Guidelines may be referred to a supervisor or other person designated by the educational institution for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
7. Any fee charged by the educational institution for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.

Appendix B

Suggested Speaking Points for Principal Copyright and the Use of Fair Dealing in the Classroom

Introducing the subject

- This is a brief, 10-minute presentation on fair dealing – a provision in the Copyright Act that is very important for teachers to understand. Performing typical duties, such as preparing lessons for classroom use, could result in costly lawsuits against individual teachers, this school, and the school board.

Changes to copyright

- Canada's copyright law includes a fair-dealing provision that permits teachers to use short excerpts from copyright-protected works in their class lessons.
- While fair dealing provides teachers with opportunities to use copyright-protected materials in their lessons without needing to obtain permission from the copyright owner, teachers also have important responsibilities.
- Teachers need to know the limits to what can be copied and communicated in the classroom under fair dealing.
- Teachers' limits and responsibilities are described in the Fair Dealing Guidelines.
- Failure to know and respect the Fair Dealing Guidelines could result in a teacher, school, or school board being sued for copyright infringement.

Fair dealing Web site

- The Copyright Consortium of the Council of Ministers of Education, Canada has developed a Web site that features a fair dealing decision tool that enables teachers to quickly determine whether a specific use of a copyright-protected work is permitted without needing permission from the copyright owner. If the dealing is fair, copyright permission is not required. This Web site also provides essential information on the Fair Dealing Guidelines and other important copyright information.
- www.FairDealingDecisionTool.ca

Fair dealing posters

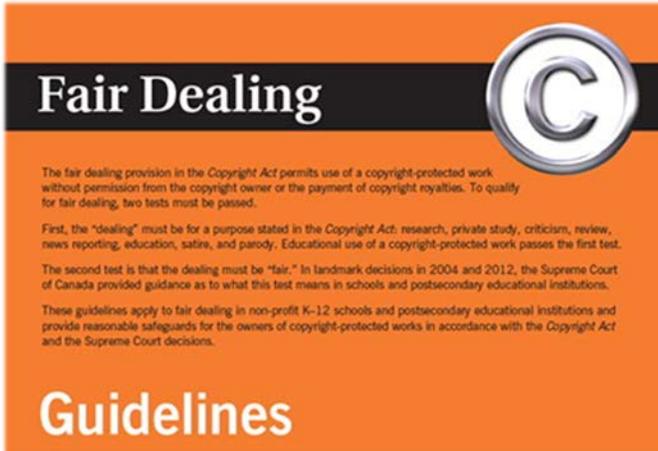
- Following the Fair Dealing Guidelines is important. Teachers can copy and use materials which fall within the guidelines without permission from the copyright owner.
- Teachers should never reproduce "consumables," such as student workbooks and other materials intended to be used once.
- Fair Dealing Guidelines and Consumables posters (Appendix C)
- These posters are to be placed at copy machines around the school to reference the Fair Dealing Guidelines and as a reminder that copying consumables is prohibited. Both should be familiar to all teachers.

Conclusion

- Why are we taking the time to talk about copyright today? It is important for teachers to know what they can and cannot do under fair dealing. Teachers must know and respect the limits in the Fair Dealing Guidelines.
- If you have questions about whether an intended use of a copyright-protected work falls within the Fair Dealing Guidelines, connect with me. Likewise, if permission to use copyright-protected materials is required, contact me to complete the necessary permission request – before the materials are copied or communicated.

Appendix B

Posters



Fair Dealing

The fair dealing provision in the Copyright Act permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two tests must be passed.

First, the "dealing" must be for a purpose stated in the Copyright Act: research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of a copyright-protected work passes the first test.

The second test is that the dealing must be "fair." In landmark decisions in 2004 and 2012, the Supreme Court of Canada provided guidance as to what this test means in schools and postsecondary educational institutions.

These guidelines apply to fair dealing in non-profit K-12 schools and postsecondary educational institutions and provide reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act and the Supreme Court decisions.

Guidelines

1. Teachers, instructors, professors, and staff members in non-profit educational institutions may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire, and parody.
2. Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines for the purpose of news reporting, criticism, or review should mention the source and, if given in the source, the name of the author or creator of the work.
3. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course
 - a) as a class handout;
 - b) as a posting to a learning or course-management system that is password protected or otherwise restricted to students of a school or postsecondary educational institution;
 - c) as part of a course pack.
4. A short excerpt means:
 - a) up to 10 per cent of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);
 - b) one chapter from a book;
 - c) a single article from a periodical;
 - d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
 - e) an entire newspaper article or page;
 - f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
 - g) an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.
5. Copying or communicating multiple short excerpts from the same copyright-protected work with the intention of copying or communicating substantially the entire work is prohibited.
6. Copying or communicating that exceeds the limits in these Fair Dealing Guidelines may be referred to a supervisor or other person designated by the educational institution for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
7. Any fee charged by the educational institution for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.



WARNING
DO NOT COPY CONSUMABLES

Consumables are materials intended for one-time use such as workbooks and exercise sheets in which a student records answers. These are materials created and intended for each student to have his or her own copy. Once a student completes the answers, these materials are of no use to another student.

Unless you have permission to copy a consumable, copying, scanning, or printing materials intended for one-time use is strictly prohibited.

Any copying from materials intended for one-time use without permission exposes the person making the copy, the teacher, the school, and the school board to liability for copyright infringement.

This prohibition does not apply to reproducibles. A reproducible is not intended for one-time use, but is sold or provided with the rights holder's authorization to reproduce it for educational use.

This prohibition does not apply if you have permission to copy a consumable or created the consumable yourself.