

Playing Music, Radio and Television Programs in Education

The public performance of music in schools, when it is "in furtherance of an educational object," does not require payment or the consent of the copyright owner under the Copyright Act, because of an exception. If the performance is not in furtherance of an educational object, the exception will not apply. For example, music used for entertainment at school concerts, assemblies, or school dances must be paid for through tariffs administered by a collective called SOCAN (Society of Composers, Authors and Music Publishers of Canada) because they are not used in furtherance of an educational object. The public performance of music in these circumstances must be authorized by the copyright owner or by SOCAN as the collective that represents the owner. However, any use of music that can be considered in furtherance of an educational object is not subject to the payment for use. For example, performance of music in a music class for the purposes of giving music instruction would fall under the exception.

An exception became law on January 1, 1999, permitting a person acting under the authority of a non-profit educational institution to make a single copy of a news program or a news commentary program, and to use the copy on the school premises for educational and training purposes. The copy can be made only at the time the program is aired. The audience must consist primarily of students of the educational institution. Documentaries are specifically excluded from the exception.

An exception became law on January 1, 1999, permitting a person acting under the authority of a non-profit educational institution to make a single copy of all other types of broadcast programs (i.e., those that are not news or news commentary programs). The copy can be made only at the time the program is aired. A teacher may examine the copy for up to 30 days, to determine whether the copy will be used on the premises of an educational institution for educational purposes. If the copy is shown in the classroom at any time (including within the 30-day evaluation period) or if it is not erased after 30 days, it must be paid for.

The educational institution is required to provide information relating to the making, erasing, performing, and method of identification of the copy to the copyright owner or a collective representing the owner. A copy may be viewed only by an audience consisting primarily of students of the educational institution and is subject to terms and conditions relating to the use of the copy and to payment, whether or not it is ever used.

Another source for television programs is Cable in the Classroom. Schools have the right to reproduce and show programs made available by Cable in the Classroom, without payment of copyright royalties. Through Cable in the Classroom, selected programs are

pre-cleared for classroom use, with royalties being paid directly to the copyright owner. Teachers' guides are also available for a number of the program offerings. Schools receive a monthly schedule of available programming, which provides information on where and when the programs will air and for how long programs can be retained.