

» Dealing Fairly with Copyright-Protected Works of Others
What Teachers Can and Cannot Do



September 2013

» Copyright in schools has *changed*

You need to know:

- Teachers and students now have new rights and obligations under copyright law.
- If you infringe copyright, *you*, your school, and your school board can be held responsible by the copyright owner for damages.

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» What is “fair dealing”?

- “Fair dealing” – users’ right under copyright law that permits use of copyright-protected works for students without permission or payment of royalties.
- Fair dealing does not allow teachers to post or copy whatever they want.
- Fair dealing is limited to “short excerpts”.

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» What is a “short excerpt”?

- A short excerpt is described in the *Fair Dealing Guidelines* as follows:
 - 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;

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» What is a “short excerpt”? (cont'd)

- 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;

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» What is a “short excerpt”? (cont'd)

- 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.

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» **Fair Dealing Guidelines (FDG)**

- *FDG* have been developed to help teachers deal fairly with copyright-protected works.
- *FDG* describe uses that, in the opinion of legal counsel, are permitted without permission from the copyright owner or the payment of copyright royalties.

» **FDG are a safe harbour**

- *FDG* describe a “safe harbour” – uses within the *FDG* limits that can, in the opinion of legal counsel, be defended as fair dealing.

» **Beyond the limits of *FDG*?**

- Uses of copyright-protected works beyond the limits of *FDG* – *outside the safe harbour* – require an evaluation of whether the proposed use requires copyright permission.

» **Beyond the limits of *FDG*? (cont'd)**

- If permission is required, it must be obtained from the copyright owner (or a representative of the owner) before the copyright-protected work is used.
- A fee may be required.

» **When permission is required**

- Permission is required when the use of a copyright-protected work falls outside of *FDG*, or there is no users' right in the *Copyright Act* permitting the use.
- In these instances, teachers should consult the school principal or a designated staff person to evaluate the need for permission.

» **When permission is required (cont'd)**

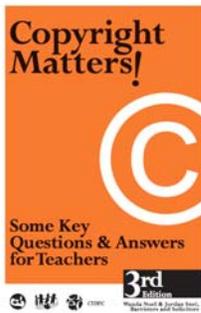
- An evaluation procedure must be followed.
- Written permission must be given by the copyright owner (or a representative of the owner), and a fee may be required.
- If the procedure is not followed, you are at risk of copyright infringement.

» Users' rights

- In addition to fair dealing, the *Copyright Act* provides additional users' rights to teachers and students to use copyright-protected works.
- These educational users' rights are fully described in *Copyright Matters!*

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» Copyright Matters!



- Every teacher should have a copy of *Copyright Matters!*

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» Copyright Matters!

- *Copyright Matters!* is a joint publication of:
 - The Council of Ministers of Education, Canada
 - The Canadian School Boards Association
 - The Canadian Teachers' Federation
- It can be downloaded in English and French for free.



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» **Principals' and teachers' responsibilities**

- Principals AND teachers are responsible for copyright compliance.
- If permission from the copyright owner is required, teachers, principals, and school board staff are responsible for obtaining it.

» **A principal's responsibility**

1. Review copyright responsibilities with teachers and school staff at least once per year.
2. Appoint a "go-to" copyright person for your school.
3. Post *FDG* at all school photocopiers, scanners, printing stations, and other devices used to reproduce copyright material.

» **A principal's responsibility (cont'd)**

4. Provide teachers and staff with copies of *FDG* and *Copyright Matters!*
5. Establish a procedure in your school to obtain permission and pay royalties when required.

» A principal's responsibility (cont'd)

- 6. Ensure that teachers obtain prior written permission and that royalties are paid when required.
- 7. Seek school-board or ministry guidance when it is not clear whether copyright permission is required.

» A teacher's responsibility

- 1. Set an example of respect for copyright for your students.
- 2. Know and respect the limits of *FDG*.
- 3. Know your copyright rights and obligations under copyright law.

» A teacher's responsibility (cont'd)

- 4. Know who the "go-to" copyright person is in your school.
- 5. Know the established procedure for seeking copyright advice and obtaining permission.

» More information

- The *Fair Dealing Guidelines* and *Copyright Matters!* can be downloaded for free from:
 - Council of Ministers of Education, Canada
www.cmec.ca
 - Canadian School Boards Association
www.cdnsba.org
 - Canadian Teachers' Federation
www.ctf-fce.ca

