

Copyright law impacts teachers and what they can use in the classroom

The *Copyright Act* and court decisions govern how the copyright-protected works of others may be used in an education setting.

- **The use of Internet materials**

The Internet provision in the *Copyright Act* establishes that teachers and students can legally perform routine classroom activities such as downloading, saving, and sharing publicly available Internet text or images, incorporating Internet materials into assignments, and exchanging works electronically with one another.

The Internet provision applies only to material that is publicly available on the Internet and has been posted on-line with the authorization of the copyright owner. For instance, the provision does not apply to pirated movies. Also, teachers and students must respect any digital lock (such as encryption or password protection) that restricts access to or use of the Internet content.

- **“Fair dealing” and the use of “short excerpts”**

The Supreme Court of Canada has interpreted fair dealing as permitting teachers to copy and communicate short excerpts from a copyright-protected work for each student in a class. This means that teachers can make copies of short excerpts from a book or magazine, for example, for distribution to students in their class without having to buy a copy of the book or magazine for each student, ask for copyright permission, or pay copyright royalties. Short excerpts from books, films, television programs, audiovisual recordings, and music are permitted to be copied and used for educational purposes.

Teachers’ use of copies of short excerpts is meant to supplement—not a substitute for—the purchase of a copyright-protected work. Fair dealing does not allow an entire copyright-protected work to be copied, only a “short excerpt.” It does not mean that teachers can copy whole textbooks.

Know your limits when it comes to copyright law

Teachers should routinely encourage awareness of and respect for copyright by learning more about the benefits and limits for classroom learning.

There are very good resource materials available from the ministries/departments of education and the Council of Ministers of Education, Canada (CMEC):

- The *Fair Dealing Guidelines* help educators to deal fairly with copyright-protected works. The guidelines provide a detailed description of “short excerpts.”
- CopyrightDecisionTool.ca is a reference to help teachers to determine whether a specific classroom use falls within the *Fair Dealing Guidelines*.
- *Copyright Matters!* is a helpful guide to copyright law within education, providing teachers with user-friendly information on what they need to know about copyright in the classroom.

Teachers’ copyright reference materials can be found at and downloaded from:

CopyrightDecisionTool.ca