

ADMINISTRATIVE PROCEDURES

SECTION:	100 – GENERAL ADMINISTRATION	CODE:	AP 190
PROCEDURE:	COPYRIGHT		

BACKGROUND

The Division recognizes the rights of creators and undertakes to ensure staff members are aware of these rights as required by the *Copyright Act of Canada*. The Division will not accept responsibility for a staff member who willfully and knowingly contravenes the *Copyright Act*.

Definitions

For the purposes of this administrative procedure:

1. Copyright means the legal protection of a creator's original work. The works of others should not be used without their permission unless the use is permitted by the *Copyright Act*. Copyright law does not protect facts and ideas, only the form in which they are expressed.
2. Copyright Infringement means publishing, adapting, exhibiting, translating, editing, performing in public, photocopying, scanning, downloading or uploading, and emailing without the permission of the creator.
3. Works Covered by Copyright means all original literary, dramatic, musical, and artistic works. Examples include: books, writings, encyclopedias, photographs, films, dictionaries, statistical data, newspapers, reviews, magazines, translations, tables, compilations, examination questions, speeches set down in writing, any piece that can be recited, choreographed, harmony, melody, lyrics, paintings, drawings, sculptures, works of artistic craftsmanship, engravings, architectural works of art, maps, plans, charts, records, cassettes, tapes, sound recordings, television programs, and electronic resources such as computer software, online programs, CD-ROM's, laser disks, and computer programs stored on any media.
4. Dubbed Off-Air means making a copy of any television program during a broadcast.

PROCEDURES

1. Works covered by copyright may only be reproduced for Division Office, class, or school use with oral or written permission from the copyright owner or if they are covered by *Fair Dealing Guidelines for School* document or copyright contracts entered into by the Division and/or school.
2. Print Resources – Personnel in Christ the Teacher Catholic School Division have the right to use selected copyright material under the following conditions:
 - 2.1. Written permission is obtained from the copyright holder.

2.2. The user meets the provision of “fair dealing” as outlined in the *Fair Dealing Guidelines for School* document which states that:

2.2.1. Education is now an acceptable purpose in the Copyright Act;

2.2.2. The amount of the dealing / copyright has to be restricted to a short excerpt of up to 10 percent, or one chapter, a single article from a periodical, an entire newspaper article, poem, artistic work, musical score, or entry from a reference work;

2.2.3. A non-copyright equivalent of the work is not available.

2.2.4. For more information, refer to the Council of Ministers of Education, Canada booklet titled *Copyright Matters: Some Key Questions & Answers for Teachers*, 4th edition or *Fair Dealing Guidelines for School*.

2.3. Permission is granted by licensing agreements entered into by the school division and/or school on behalf of teachers with collective agencies.

2.4. If verbal permission to photocopy copyrighted material is granted, please indicate grantor, time and date on your copy of the letter of request. If verbal permission is granted, materials may be used immediately; and

2.5. If a fee to reproduce materials is required, please confirm arrangements with the Principal before proceeding with duplication.

3. Video Resources

3.1. Showings to meet an educational purpose – An audiovisual work such as a DVD may be shown in the classroom to further an educational objective as long as it is legally obtained. The program may be purchased or rented from a retail store, a copy borrowed, or a YouTube video. Programs obtained from personal online subscription services (such as Netflix) are governed by the terms of agreement which usually limits the use to ‘personal’ or ‘household’ use. Under these conditions, classroom use is not permitted.

3.2. Transfer of format – It is an infringement of copyright to transfer the contents of one media format to another if the required format is available for purchase and/or without the written consent of the copyright holder. For example, it is not permissible to transfer a VHS tape to DVD if the DVD is available for purchase.

4. Electronic Resources

4.1. Electronic resources such as computer software, CD-ROM’s, on-line programs, electronic bulletin boards, freeware, shareware, and computer programs stored on any media may only be used according to the conditions specified on the site or jurisdictional license.

The Division will make every effort to purchase multiple copies of electronic resources or to purchase site or jurisdictional licenses for electronic resources.

- 4.2. One (1) back-up copy, adaptation, or translation of a computer program is permitted by law and does not require special permission from the copyright owner.

Schools (school libraries) may only lend the original program, not the back-up copy.

- 4.3 Where a work has been placed on the Internet with the message that it can be freely copied, there is an actual license to copy the work. Sometimes the terms of the license are subject to conditions.

5. Music Resources

- 5.1. Music may be performed in schools without payment or the consent of the copyright owner when it advances an educational objective. However, music used for entertainment purposes requires a licensing agreement.

6. Internet Material

- 6.1. Material available through the Internet may be saved, downloaded, and shared publicly for educational purposes. “Publicly available” materials are those posted online without any technological protection measures and without a clearly visible notice prohibiting educational use. Routine classroom uses may be made of publicly available internet materials such as incorporating online text or images into assignments, or performing music or plays online for peers. Students and teachers are required to cite the source of the Internet materials used. Reposting these materials should only occur on a restricted-access website.

7. “Public Domain” Resources

- 7.1. Staff members may reproduce works that are in the “Public Domain”
If a work is the “public domain” it means that the reproduction is allowed without requesting permission. Fifty (50) years after the death of a creator, a work becomes part of the “public domain”, except when rights are passed to others.

8. Ownership of Copyright

- 8.1. The Division owns copyright in any works produced by a staff member in the course of their employment.
 - 8.1.1. The Director of Education or Designate may grant others the right to reproduce work copyrighted by the Division under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgement to the authors.
 - 8.1.2. The Director of Education or Designate may enter into an agreement with others to produce, in part or in whole, a work for the Division. This agreement shall specifically address copyright of the work produced.
 - 8.1.3. The Division may market Division material at a cost that shall cover printing, mailing, and royalty.

8.1.4. The Division may enter into an agreement with a private publisher to publish Division material for sale and distribution.

8.1.5. If the Division markets a resource profitably, it may choose to compensate the creative staff member.

8.2. Students own the copyright on anything they create and parental permission to reproduce their work should be obtained if the student is under sixteen (16). Student permission is required if the student is sixteen (16) or over. Permission is not required to display student work within the school.

8.2.1. Each school will request and file permissions from parents/guardians at the beginning of each school year to record and/or tape their child(ren) for possible performance.

8.2.2. Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, parishes, Division Office, or shopping centres.

8.2.3. The copyright in photographs taken by students for school publications with equipment and supplies provided by the school is usually the property of the school.

9. Adherence to Copyright Law

Staff members will not be required by their supervisors to perform any service that is a violation of the copyright administrative procedure.

9.1. Principals and Supervisors shall provide copyright information to staff members to ensure they are made aware of Copyright Law, the Access Copyright agreement, and this administrative procedure.

9.2. The Director of Education or Designate may appoint a committee to review copyright procedures periodically and will continue to provide updated information to the schools. This administrative procedure will be reviewed as necessary and rewritten when amendments to the current Copyright Act are passed.

Copyright law is a very complex subject. This administrative procedure is an attempt to outline the basic information, but is in no way a substitute for legal advice. Teachers are encouraged to access resources with more detailed information.

Reference: Canadian Copyright Act
Copyright Regulations
Access Copyright Agreement
Copyright Matters! Council of Ministers of Education, Canada
SOCAN (Society of Composers, Authors and Music Publishers of Canada)
Composers, Authors and Music Publishers of Canada)

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