

COPYRIGHT COMPLIANCE

Background

The district recognizes the importance of high quality learning resources as a support to student achievement since instructional materials contribute significantly to the achievement of outcomes stated in courses, Programs of Study or educational initiatives. In identifying appropriate materials, the district follows Alberta Education requirements and criteria in the selection and adoption of instructional resources.

In addition, the district is committed to providing teachers with access to the best tools for instructional purposes. In selecting all types of resources, including print, non-print, multimedia, online, manipulatives and/or consumable materials, teachers and the district take into account the resources listed in the various Programs of Study, as well as, the teachings of the Catholic Church.

At the same time, employees and students must adhere to the provisions of Canadian copyright laws with regard to learning resources of all media types, including the Internet. Included in Canadian copyright laws is the principle of fair compensation for writers and publishers of instructional materials. This principle of fair compensation relates not only to legal compliance but is also an important aspect of Catholicity, Social Justice and Ethical Citizenship which affirms the rights of individuals to own intellectual property and for others not to use their works without permission.

Procedures

1. In the context of fair compensation, Canadian copyright laws, social justice and ethical citizenship, the district makes every effort to ensure employees are aware of copyright laws. In order to support this effort, principals must include a reference to this Administrative Procedure in the annual edition of their staff handbook.
2. It is incumbent on principals to establish procedures to ensure that, when necessary, permission is sought to use another person's work. In such a case, documentation must be kept on file of all permissions sought and obtained and records of "Statement of Use" recorded to indicate that the work may be used for educational purposes.
3. Mistaken belief that a work is in the public domain will not be accepted as a reason for using any work of another individual. In addition, district employees will not be required to perform any service that is in violation of the Copyright Act. The district will not accept responsibility for an employee who intentionally contravenes the Copyright Act. Staff in supervisory positions will therefore refrain from requesting their staff from performing support roles and tasks that contravene copyright legislation.
4. Since copyright is very complicated, this Administrative Procedure seeks to set out procedures to manage copyright issues efficiently, consistently and fairly throughout the district; however, in situations where more detailed information is necessary as a result of specific circumstances,

input from district personnel and/or the references included at the end of this Administrative Procedure are to be sought. It may also be necessary from time to time to seek legal advice. In this case, the principal is to consult with the superintendent, Instructional Services prior to proceeding

5. The Canadian Copyright Act protects creative endeavours by ensuring that the creator has the sole right to authorize their publication, performance or reproduction. In addition, the amendments to the Copyright Act by the 2012 Copyright Modernization Act is a win for education in that, for many classroom purposes, it permits the use of copyright material under many circumstances without creator compensation. Copyright applies to all original:
 - a. Literary or textual works: books, pamphlets, poems, computer programs
 - b. Dramatic works: films, videos, plays, screenplays and scripts
 - c. Musical works: compositions consisting of both words and music, or music only (lyrics without music are considered literary works)
 - d. Artistic works: paintings, drawings, maps, photographs, sculptures
 - e. Architectural works
6. Copyright also applies to all other kinds of subject matter including:
 - a. Performer's performances
 - b. Broadcast communication signals
 - c. Audio and video recordings such as records, cassettes, CD's, DVD's, streaming
7. Protection under copyright laws is automatic in Canada. As soon as an original work has been written down, recorded or entered as a computer file, it is immediately copyright-protected. In Canada, copyright protects intellectual property rather than physical property, the text of a novel or a song, rather than the actual book or paper upon which it is printed.
8. Copyright protects the way in which information is expressed. The information itself is not protected by copyright. Restating the information in a person's own words is not an infringement of copyright.
9. Ownership of Materials Within the District
 - a. In accordance with the Copyright Act and in the absence of any agreement to the contrary, when the author of a work is employed by the district and the work was made in the course of employment, the district will be the first owner of the copyright.
 - b. Any original work created by a student is protected by copyright. The further use of a student's work, such as in a school publication, district workshop, district publication and Internet site must be authorized by the student, the parent/legal guardian and the principal

10. Learning Resources Outside District Ownership Print Materials

- a. A teacher can copy (or take any other necessary action) in order to display a work protected by copyright. This permits the use of whiteboards and similar tools, overhead projection using a device such as an LCD screen, overhead, opaque or slide projector, provided the work is used for the purpose of education and training and is not already commercially available in a medium that is appropriate for this purpose.¹
- b. Teachers in Canada may also copy, translate, communicate electronically, show or play any copyright-protected work for a test or examination, provided the work is used for the purpose of education and training and is not already commercially available in a medium that is appropriate for this purpose.¹

11. Exceptions

- a. 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.
- b. School staff can copy up to 10 per cent of a work. Schools can copy more than 10 per cent in certain circumstances. Refer to *Copyright Matters, 3rd Edition* for details.

12. Videos

- a. All legally-acquired videos residing on a physical media such as a DVD or Blu-Ray or streamed from an online platform, can be used by teachers for the purposes of delivering lesson content during class time, in the teaching space.
- b. Any public performance of videos outside of class time requires a public performance license (PPL). The District purchases an annual license from Audio Ciné Films (ACF). Check the producer listings under ACF Web site to determine which license is necessary. This license is good for public performances such as movie nights, indoor recess on rainy days and other non-curricular experiences.

13. Radio and Television Programs

- a. Radio and television programs may be played at the time they are aired or delivered over the Internet. School personnel may copy news and news commentary (excluding documentaries) from radio and television broadcasts and keep the copy for educational use on school premises. A copy may be viewed only by an audience consisting primarily of students of the school or district and is subject to terms and conditions relating to the use of the copy and to payment.
- b. For all recorded programs that are not news or not news commentary, a teacher may examine the copy for up to 30 days to evaluate it for educational purposes. If the copy is shown at the school (including within the 30 day evaluation period) or if it is not deleted or erased after 30 days, a royalty payment must be made. The principal is required to provide to the copyright owner or a collective representing the owner,

¹ For specific allowances and restrictions to copying, refer to *Copyright Matters, 3rd Edition*.

upon request, information relating to the making, erasing, performing and method of identification of the copy. The Educational Rights Collective of Canada (ERCC) is the collective agency that collects tariffs for off-air recordings.

14. Performances

Giving a public performance of a play without the copyright owner's permission is an infringement of copyright; however, under certain circumstances, live performances by students are permitted. In the case of live performances, adhere to the following. The performance:

- a. Takes place on the premises of the educational institution
- b. Is for educational or training purposes
- c. Is not for profit – there is no admission fee
- d. Takes place before students, instructors and those responsible for setting curriculum
- e. Does not involve a motive of gain

15. Music

- a. Playing music at a dance or taping your favourite band at a concert without the copyright owners' permission is an infringement of copyright. Copying tapes to CD's and DVD's without permission from the copyright owner is also an infringement of copyright.
- b. Music may be performed in schools without payment or the consent of the copyright owner when it is in furtherance of an educational object. For example, performance of music in a music class for the purposes of giving music instruction fits into this category; however, music used for entertainment must be purchased through SOCAN, the collective agency of Canadian music creators and publishers.
- c. A District license from SOCAN is purchased annually by the District.

16. Computer Software

- a. Software is protected by copyright law. Computer software may only be used according to conditions specified on the licensing agreement. Other than one backup copy of the program by the owner of a legitimate copy, the reproducing of computer software is an infringement of copyright.
- b. The owner of a legitimate copy of a computer program may also make a single copy of that program by adapting, modifying or converting the computer program or translating it into another computer language, provided that:
 - i. The reproduction is essential for the compatibility of the program with a particular computer
 - ii. That the reproduction is solely for the person's own use

- iii. That the copy is erased when the person ceases to be the owner of the copy of the program from which the copy was made

17. The Internet

- a. Most material available on the Internet is protected by copyright. This includes documents, images and media such as webcasts, podcasts and streaming video. Reproduction of any work or a substantial part of any work on the Internet is permitted under the following circumstances:
 - i. Schools have the permission of the owner
 - ii. A message is attached to the work stating that it can be freely copied
 - iii. All conditions for copying are adhered to. For example, there may be a condition that the work cannot be copied for commercial purposes
- b. Copying images or media from Internet sites without permission and linking to another site without the copyright owner's permission is an infringement of copyright.
- c. Most creators and publishers are cautious in granting permission to post their digitized works on even password-protected systems, especially if they are sound files, video files or copies of scanned print materials.

18. FMCS D Website

- a. The district website and its content are copyright by the Fort McMurray Catholic Board of Education. Redistribution or reproduction of part or all of the contents in any form may take place only in the following circumstances:
 - i. Print or download to a local hard disk some extracts for personal and non-commercial use only, and/or
 - ii. Copy the content to individual third parties for their personal use, but only if there is acknowledgement of the website as the source of the material
- b. No one, including staff, may distribute or commercially make use of the content without express written permission through the district's Communications department. No content may be transmitted or stored in any other website or other form of electronic retrieval system without written permission. The district has no responsibility for the content of any linked website.

19. Infringement of Copyright Act

Without infringing copyright, teachers can:

- a. Copy and perform extracts from a work protected by copyright, unless the part is highly significant or valuable
- b. Restate ideas, facts or information in your own words with proper citation of sources
- c. Copy or perform works whose author(s) died more than 50 years ago
- d. Use any work protected by copyright with the permission of the copyright owner and pay a fee, if requested

- e. Copy the text of federal and provincial statutes, regulations and court decisions without permission
- f. Make a single copy of works protected by copyright for private study, research, criticism, review or new reporting – referred to as “fair dealing”
- g. Copy a work protected by copyright by hand on a blackboard, whiteboard, flip chart or similar surface
- h. Copy a work protected by copyright for the purpose of overhead projection, provided the work is not already available in a commercial format
- i. Copy an entire work, other than cinematographic work, onto an alternative format including translation, adaptation and performance in public (except the making of large-print book) for the purpose of serving students with special needs (perceptual disabilities) as long as such an adaptation is not already commercially available in that format

20. Public Domain

- a. A work in the public domain is free for everyone to use without asking for permission or paying royalties. Prior to using any work in their lessons or classes, teachers must ensure that a particular work is actually in the public domain. When this is in doubt the materials are not to be used pending confirmation of public domain status.
- b. Works can be in the public domain for a variety of reasons including:
 - i. The copyright protection has expired
 - ii. The work was not eligible for copyright protection in the first place or
 - iii. The copyright owner has given the copyright to the public by stating on the work what uses are permitted. This is often called [Creative Commons](#) licensing.
- c. Giving a public performance of a play by Shakespeare (no copyright exists) would not be an infringement of copyright.

21. Documentation

Administrators and supervisors must ensure that their staff abide by and follow the requirements of the copyright holders. If there is a Statement of Use attached to the material, all recommendations must be adhered to and documented. Permissions for the use of any copyright material must be documented and kept on file.

Approval Date: June 30, 2017

Reference: [Copyright Act](#)
[Copyright Modernization Act](#)
[Council of Ministers of Education \(CMEC\) Copyright Consortium Guidelines](#)
[Copyright Matters!](#)
[Audio Ciné Films \(ACF\)](#)