

# COPYRIGHT

## Background

The District believes in the rights of creators and expects staff members to be aware of and uphold these rights as required by the Copyright Act. At the same time, the District recognizes the need for students to have access to a wide range of educational resources. This administrative procedure is intended to set limits within which staff members may copy and distribute copyrighted materials.

The District will not accept responsibility for a staff member who willfully and knowingly contravenes the Copyright Act or who copies materials without permission of the author or publisher which are excluded from the Access Copyright agreement.

## Definitions

In this administrative procedure:

1. Copyright means the legal protection of a creator's original work. Copyright law does not protect ideas, only the form in which they are expressed.
2. Copyright infringement means publishing, adapting, exhibiting, translating, editing, performing in public, communicating by telecommunication, copying or converting to another medium without permission of the creator.
3. Works covered by copyright means all original literary, dramatic, musical and artistic works for which the copyright owner's term of rights has not expired.

Examples include: books, writing, 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, choreographies, 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, on-line programs and applications, 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 broadcast.
5. Educational Resource Acquisition Consortium (ERAC) is an association of BC public school districts overseen by an Executive Committee and working together on software, video and learning resource acquisition and evaluation.

## Procedures

1. Works covered by copyright may only be reproduced for District Office, class or school use with oral or written permission from the copyright owner or if they are covered by the agreement entered into with Access Copyright on behalf of the District by the British Columbia Ministry of Education. The District will allocate funds through school budgets for provision of learning resources and for the payment of copyright permission.
2. Print Resources
  - 2.1 For personal use only, reproducing single copies of a work for private student or research, or, for personal use only, reproducing single copies of work for criticism, review, or newspaper reporting, provided the source and author are acknowledged.
  - 2.2 Reproducing for educational purposes a single copy for each student, two copies for the teacher, or the number required for administrative purposes of whichever is greater: ten percent (10%) of a published work, or:
    - 2.2.1 An entire chapter that constitutes twenty percent (20%) per cent or less of a book;
    - 2.2.2 An entire single short story, play, essay, or poem from a book, periodical or anthology;
    - 2.2.3 An entire newspaper article or page;
    - 2.2.4 An entry from a reference work;
    - 2.2.5 An illustration or photograph from a publication containing other works, including cartoons;
    - 2.2.6 Large-print material to accommodate the perceptually disabled, published in Canada;
    - 2.2.7 In limited cases, as specified in the licence, out-of-print books;
    - 2.2.8 The source and author must be acknowledged.
  - 2.3 Copy a work protected by copyright by hand onto a surface normally used to display hand-written material, such as a blackboard, whiteboard or flip chart
  - 2.4 Copy a work protected by copyright for the purpose of overhead projection using a device such as an LCD, overhead, opaque, or slide projector, provided the work is used for the purpose of education and training and is not already available in a commercial format
  - 2.5 Making alternate format copies of all or any part of published works included in the Access Copyright agreement for persons who by reason of a sensory, physical or neural handicap cannot effectively use print materials.

- 2.6 If it is necessary for staff members to make multiple photocopies of an item:
  - 2.6.1 Check the back of the title page in books and the table of contents page in magazines to determine what copying privileges the publisher may grant.
  - 2.6.2 Check the Access Copyright list of what is permitted or what is excluded.
  - 2.6.3 If the item is included in the exclusions list or out of print, contact the copyright owner by phone first, then follow up with a letter for permission to photocopy. Sample forms are included in the Forms Manual.
  - 2.6.4 If verbal permission to photocopy copyrighted material is granted, indicate grantor, time, and date on your copy of the letter of request. If verbal permission is granted, materials may be used immediately or before the form is returned.
  - 2.6.5 If a fee to reproduce materials is required, confirm arrangements with the Principal before proceeding with duplication.
- 2.7 The Access Copyright agreement does not authorize the copying of:
  - 2.7.1 Published work cards, assignment sheets, tests, and examination papers that are available for purchase;
  - 2.7.2 Material designed for one-time use (e.g., workbooks and activity books);
  - 2.7.3 Instruction manuals and teachers' guides;
  - 2.7.4 Federal, provincial, and territorial government publications, except those of the Government of Quebec;
  - 2.7.5 Print music.

### 3. Visual Resources

- 3.1 Television programs may only be dubbed off-air with permission from the copyright owner.
- 3.2 A single copy of a news program or a news commentary program may be dubbed off-air for exclusive use by students and teachers in the course of teaching for a period of one (1) year without obtaining permission from the copyright owner.
- 3.3 A single copy of all other types of broadcast programs may be dubbed off-air and a teacher may examine the copy for a period of up to thirty (30) days. If the copy is shown on school premises, including within the thirty (30)-day evaluation period, payment must be made.
- 3.4 Cable in the Classroom is a programming service providing access, free of charge, to a limited number of television programs for use on school premises. A monthly schedule of available programming is available on their Internet site [www.cableeducation.ca](http://www.cableeducation.ca)
- 3.5 Only video/DVD programs and feature film rentals with public performance rights may be shown in schools or at District functions. These include:
  - 3.5.1 Videos/DVDs purchased through the Educational Resource Acquisition Consortium (ERAC);
  - 3.5.2 Videos/DVDS available through the District online Media Catalogue;

- 3.5.3 Videos/DVDs purchased or rented from video stores may be shown provided;
- 3.5.4 Videos purchased or rented from video stores and American companies may be shown in schools or at District functions if a site license that covers these titles has been purchased from the Canadian distributor (i.e. Audio Cine Films, VEC/Criterion Pictures);
- 3.5.5 Staff may submit requests through their teacher-librarian to the District for purchasing consideration of video/DVD titles for classroom use. If recommended for purchase, these videos/films would include a public performance rights license.

#### 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 conditions specified on the license.  

The District will consider where possible, purchasing multiple copies of electronic resources or to purchase site or jurisdictional licenses for electronic resources.
- 4.2 One (1) back-up copy, adaptation, a translation or 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, subject to conditions.

#### 5. Music Resources

- 5.1 Under the SOCAN/ERAC agreement, the following situations are permissible:
  - 5.1.1 Music performed at school dances.
  - 5.1.2 Music performed at school sporting events.
  - 5.1.3 Music performed by students at an event on school premises for students, faculty, family members and others.
  - 5.1.4 Music performed on school premises for no other reason than as background (e.g., in the classroom, cafeteria, halls, at school events such as fairs, carnivals, socio-cultural events).
  - 5.1.5 Music performed in school assemblies (e.g., a recording of O Canada).
  - 5.1.6 Music performed by a student in a presentation to other students, teachers, assessors or parents (e.g., as part of a presentation during music class).
  - 5.1.7 Music performed in demonstration activities by students, primarily for other students, teachers, assessors or parents, and for which any admission fee charged covers costs but does not make a profit (e.g., a concert by the school choir, gymnastic routines, shows by school bands).
  - 5.1.8 Music performed during school hours for teaching/learning (e.g., music/dance/dramatic arts classes).

- 5.1.9 Music performed before and after school hours, and during recess, if the use is for educational purposes (e.g., school radio operated by students for credit and supervised by a teacher).
  - 5.2 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, subject to conditions.
6. "Public Domain" Resources
- 6.1 Staff members may reproduce works that are in the "Public Domain".
  - 6.2 If a work is in the "public domain", it means that 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. If the work is reprinted in a new edition, only the original text is in the "public domain".
7. Ownership of Copyright
- 7.1 The District owns copyright in any works produced by a staff member in the course of his/her employment.
    - 7.1.1 The Superintendent may grant others the right to reproduce work copyrighted by the District under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgment to the authors.
    - 7.1.2 The Superintendent may enter into an agreement with others to produce, in part or in whole, a work for the District. This agreement shall specifically address copyright of the work produced.
    - 7.1.3 The District may market District material at a cost that shall cover printing, mailing and royalty.
    - 7.1.4 The District may enter into an agreement with a private publisher to publish District material for sale and distribution.
    - 7.1.5 If the District markets a resource profitably, it may choose to compensate the creative staff member.
  - 7.2 Students own the copyright on anything that 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.
    - 7.2.1 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.
    - 7.2.2 Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, District Office or shopping centres.
    - 7.2.3 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.

## 8. Adherence to Copyright Law

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

- 8.1 All DVD players, videocassette players, photocopiers, and computers are to be labeled to identify clearly what constitutes copyright infringement.
- 8.2 Copyright in-service sessions shall be offered to all staff members, to ensure they are made aware of Copyright Law, the Access Copyright agreement and this administrative procedure.
- 8.3 The Superintendent may appoint a committee to review copyright procedures periodically and will continue to provide updated information to all schools. This administrative procedure will be reviewed as necessary and rewritten when amendments to the current Copyright Act are passed.

Legal Reference:     *Sections 17, 20, 22, 65, 85 School Act*  
                          *Copyright Act*  
                          *Copyright Regulations*  
                          *Access Copyright Agreement*