

134 COPYRIGHT

Beliefs

MESC supports the use of duplicated or reproduced materials to augment the educational learning environment, with the understanding that all pertinent national and international laws are respected and adhered to.

Procedures

1. The Commission shall provide schools with copies of the Fair Dealing Guidelines, including the restrictions and exclusion lists that pertain to copyright procedures.
2. Under no circumstances, will the Commission accept responsibility for an employee who willfully and knowingly contravenes the Copyright Modernization Act or who copies materials without permission of the authors or publishers excluded from the Fair Dealings Guidelines, or who violates the Public Performance Rights license.
3. The fair dealing provision in the Copyright Act permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two tests must be passed.
 - 3.1. First, the “dealing” must be for a purpose stated in the Copyright Act: research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of a copyright-protected work passes the first test.
 - 3.2. The second test is that the dealing must be “fair.”
4. The guidelines that follow address fair dealing in non-profit K–12 schools and provide reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act and the Supreme Court decisions; they are not intended to be a complete list of the rules that apply to copyright law, only to provide some guidelines for the general areas of copyright procedure.
5. Print Resources:
 - 5.1. An individual may duplicate for personal use a single copy of an article, poem, newspaper summaries, or a portion of a work for research, criticism or private study
 - 5.2. Unless covered by the Fair Dealing Guidelines, all other print duplication must be done with the written permission of the copyright owner.
 - 5.3. Teachers and staff members in non-profit educational institutions may communicate and reproduce, in paper or electronic form, short excerpts

- from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire, and parody.
- 5.4. Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines for the purpose of news reporting, criticism, or review should mention the source and, if given in the source, the name of the author or creator of the work.
 - 5.5. A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
 - 5.5.1. as a class handout;
 - 5.5.2. as a posting to a learning- or course-management system that is password protected or otherwise restricted to students of a school;
 - 5.5.3. as part of a course pack.
 - 5.6. A short excerpt means:
 - 5.6.1. up to 10 percent of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);
 - 5.6.2. one chapter from a book;
 - 5.6.3. a single article from a periodical;
 - 5.6.4. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
 - 5.6.5. an entire newspaper article or page;
 - 5.6.6. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
 - 5.6.7. an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.
 - 5.7. 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.
 - 5.8. Copying or communicating that exceeds the limits in these Fair Dealing Guidelines may be referred to a supervisor or other person designated by the educational institution for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
 - 5.9. Any fee charged by the educational institution for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.

6. Video Resources

6.1. All copyright law, with respect to the use of video resources, will be compiled and distributed to schools through the office of the Associate Superintendent Instruction.

7. Computer Software and Programs

7.1. Computer programs and software must be used in accordance with the conditions outlined in the licensing agreement.

7.2. Any lending arrangement for computer software or programming must be for the original copy only, and not the backup copy allowed by the copyright owner.

8. Music Resources

8.1. Sound recordings can be played in the classroom without permission of the copyright owner if: it takes place on the premises of the educational institution, is under the guidance of an instructor acting under the authority of the school, is for educational or training purposes, is not for profit, is in front of an audience that is mostly students and does not involve material gain.

8.2. A license with Society of Composers, Authors and Music Publishers of Canada (SOCAN) has been purchased on behalf of the school Commission. This license allows schools to play music, as long as it is not for profit, during extracurricular activities, lunch periods, etc.

9. Live Performances of Protected Works

9.1. A live performance, such as a play, can be performed without permission of the copyright owner, if the same conditions listed under “Music Resources” are met.

10. Public Domain Resources

10.1. Employees may reproduce works that are in the “public domain”.

10.2. A work is in the “public domain” if 50 years have elapsed since the death of the creator. The exceptions are: the rights have been passed on to another person(s) or a new edition of the work has been created. In the latter case, only the original work remains in the public domain.

Reference:

Copyright Act Copyright Modernization Act Copyright Regulations Fair Dealing Guidelines