



Policy Section: **Curriculum and Program**

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Policy Name: **Use of Copyright-Protected Works**

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Policy Statement

It is the policy of the Keewatin-Patricia District School Board (KPDSB) to comply with the Fair Dealing Guidelines as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium. The KPDSB will communicate the Fair Dealing Guidelines to all school locations on an annual basis in order to ensure that all staff understand the obligations of the school Board in accordance with the Copyright Modernization Act.

Rationale

The Fair Dealing provision in the Copyright Act permits use of copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two (2) tests must be passed.

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.

The second test is that the dealing must be fair. In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means in schools and post-secondary educational institutions. These guidelines apply to fair dealing in non-profit K-12 schools and post-secondary educational institutions and provide reasonable safeguards for the owners of copyright-protected works in accordance with the Copyright Act, and the Supreme Court decisions.

Cross Reference
Copyright Modernization Act
Fair Dealing Guidelines – Council of Ministers of Education Canada (CMEC)
Copyright Consortium
Policy
303, School Improvement Planning

Date Adopted: 13/11/2012
Dates Revised: 11/02/2014; 11/04/2017
Date Reviewed: 13/12/2022

Review By: 2026

Guidelines

1. Teachers, instructors, professors, 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, or parody.
2. 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.
3. 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:
 - a) As a class handout;
 - b) As a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution; and/or
 - c) As part of a course pack.
4. A short excerpt means:
 - Up to ten percent (10%) of a copyright-protected work, including a literary work, musical score, sound recording, and an audiovisual work;
 - One chapter from a book;
 - A single article from a periodical;
 - An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
 - An entire newspaper article or page;
 - An entire single poem, or musical score, from a copyright-protected work containing other poems or musical scores; and/or
 - An entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.

5. 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.
6. 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.
7. 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.
8. Copying, scanning, or printing materials intended for one-time use is strictly prohibited. Materials intended for one-time use are workbooks and exercise books in which a student will record answers. These are materials created and intended for each student to have their own copy. Once a student completes the answers, these materials are of no use to another student. Any copying from materials intended for one-time use, exposes the person making the copy, the teacher, the school, and the school Board to liability for copyright infringement. This prohibition does not apply to reproducibles. A reproducible is not intended for one-time use but is sold or provided with the rights holder's authorization to reproduce it for educational use.
9. Employees who require assistance in determining whether copyrighted material may be reproduced for educational purposes may consult the following website:
www.copyrightdecisiontool.ca