



**Brant Haldimand Norfolk
Catholic District School Board**

Policy: Copyright-Protected Works

		Policy Number:	400.03
Adopted:	November 27, 2012	Former Policy Number:	n/a
Revised:	January 29, 2013	Policy Category:	Operations
Subsequent Review Dates:	TBD	Pages:	1

Belief Statement:

The Brant Haldimand Norfolk Catholic District School Board is committed to excellence in learning and living in Christ. Our schools endeavour to provide the best quality and most relevant learning materials to our students as part of their learning experience. The Board endeavours to ensure that copyright protected works that are used in our schools follow the Canadian *Copyright Act*.

Policy Statement:

It is the policy of the Brant Haldimand Norfolk Catholic District School Board to:

1. ensure that all employees responsible for providing educational resources to our students follow the applicable provisions of the *Copyright Act*; and
2. implement and monitor procedures that are consistent with the “Fair Dealing” provisions of the *Copyright Act*.

Glossary of Key Policy Terms: N/A

References

The Copyright Act: <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>



COPYRIGHT- PROTECTED WORKS AP 400.03

Procedure for:	All Academic Staff	Adopted:	November 27, 2012
Submitted by:	Chris N. Roehrig (Director of Education & Secretary)	Revised:	January 29, 2013
Category:	Operations		

Purpose

The purpose of this Administrative Procedure is to provide direction to Board staff and schools regarding the copying, communicating, distribution and citation of copyright-protected works.

Responsibilities

Specific direction is provided for any employees that provide educational resources to colleagues and students for the purposes of research, private study, criticism, review, news reporting, education, satire and parody.

Information

The Canadian *Copyright Act* permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties insofar as the use falls within the 'Fair Dealing' provisions of the Act. To qualify for fair dealing, two 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. This procedure clarifies what qualifies as 'Fair Dealing'.

Procedures

1. Principals shall include these procedures into school-based staff handbooks and review the procedures with staff on an annual basis.
2. Principals shall post Appendix A or other approved posters at all photocopiers in the school. The Director of Education (or designate) shall post Appendix A at all photocopiers that are on Board property that staff use for providing resources for staff and/or students.
3. 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.
4. Copying or communicating short excerpts from a copyright-protected work under these procedures 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. 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
 - c) as part of a course pack



6. A short excerpt means:
- a) up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)
 - b) one chapter from a book
 - c) a single article from a periodical
 - d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
 - e) an entire newspaper article or page
 - f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
 - g) an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work
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.
8. Copying or communicating that exceeds the limits in this procedure may be referred to the school principal for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
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.

Definitions – N/A

References

The Copyright Act: <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>



Before You Copy

Check these Fair Dealing Copying Guidelines

The Copyright Act allows you to copy sections of copyrighted books, articles and other material without the consent of the copyright owner as long as you copying fairly for **research, private study, criticism, review or news reporting**. This is called *Fair Dealing*.

You may copy up to:

10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)

or the following, whichever is greater:

- a) One chapter from a book
 - b) A single article from a periodical (including newspapers, magazines and academic journals)
 - c) An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
 - d) An entire single poem or musical score from a copyright-protected work containing other poems or musical scores
 - e) An entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work
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You may not copy the following:

- a) Any of the following where the publication containing the work does not contain other works: articles, short stories, plays, poems, artistic works (including reproductions), and musical scores. For example, no copy may be made of a play from a publication containing the play but no other work.
- b) Unpublished works.
- c) Proprietary workbooks, work cards, assignment sheets, tests, examination papers and instruction manuals.
- d) Newsletters with restricted circulation intended to be restricted to a fee paying clientele; or business cases which are made available for purchase.

Copying which does not fall within fair dealing and occurs without a license or permission from the copyright owner is against the law and may result in a copyright infringement claim. The School Board is not responsible for copyright infringement by individuals reproducing copyrighted works.