Copyright Considerations

What do VSB educators need to know about recent changes to the Canadian Copyright Act?

Moira Ekdahl
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Why is Copyright Important?

• The works of others cannot be used without their permission unless the use is permitted by the new or “modernized” Canadian Copyright Act
• We teach students the value of original thinking and the importance of not plagiarizing others’ work
• Teachers use copyright-protected materials
• Teachers educate the future copyright owners and users
• Teachers have a unique responsibility to do the right thing
• Teachers need to be aware of the copyright status of resource materials they use

Overview of Changes

• The new Act attempts to resolve new digital copyright issues, in particular, whether or not publicly available internet resources can be used for educational purposes without breaking copyright
• Educators have needed stronger and more understandable guidelines on how to use, disseminate, and share creative work that is more accessible online
• The Act broadens “fair dealing” to include education
Fair Dealing

Education has been added as an allowable purpose. Copying in K12 contexts must meet the terms of “fair dealing.”

• Teachers can make copies of SHORT EXCERPTS from a work for the purposes of research, private study, criticism, review, news reporting, education, satire, and parody

• This allowable purpose specifically includes class handouts, online learning in restricted contexts, and course packs; it excludes some copying when the material is commercially available.

Fair Dealing, continued

Provided the copied work is not commercially available in an appropriate format, this allowable use of “short excerpts” enables teachers to use these copied works for the purposes of education without worrying about conditions of copyright. They can:

• Use them with projection (overhead, LCD)
• Use them for tests and exams

• BUT the source must be cited and the citation must include author’s/creator’s name

Fair Dealing, continued

What constitutes a “short excerpt”?

• No more than 10% of a work (literary, musical, recording, AV)

• One chapter; a single article or page from a magazine or newspaper or other periodical

• An entire artistic work or literary work from a collection of such works (painting, print, photo, diagram, map, chart, poem, short story)

• An entire entry from an encyclopedia or similar reference source
Fair Dealing, continued

The “short excerpt” allowable use in education, under “fair dealing” provisions, is constrained, as follows:

• It does not include multiple short excerpts from the same work
• Any fees charged for the copied materials must cover only the costs to the institution
• 10%!

Fair Dealing, continued

Provided the copied work is not commercially available in an appropriate format, teachers of special needs students, under the conditions of “fair dealing” and for educational purposes, may:

• Make a copy of (as well as translate, adapt, and perform publicly) a work, other than AV, in an alternative format, eg: Braille, audio-book, e-text
• Translate, adapt, and perform publicly copied works to serve the needs of this group of students

Internet Information

Teachers and students are now permitted to access and use publicly available internet materials in the process of teaching and learning.

• Images can be used freely for educational purposes so long as credit is given
• New works (mash-ups, for example) can be created by students for non-commercial purposes. They can post these online. The new work must mention the original source(s), use legally acquired content, and not adversely affect the market for the original work.
Internet Information
Copyrighted information that is publicly available on the internet may be used for educational purposes, as long as it is cited

Permission is no longer required to save, download, and share publicly, to use in classrooms, or to share in educational contexts.

Students and educators need to cite the source

Excluded are materials that are protected (by password or encryption) or prohibited for educational use

Internet Information, continued
In classrooms and for educational purposes, teachers and/or students may:

• Use online text or images in assignments
• Perform music or plays online
• Exchange materials with
• Repost a work on a restricted-access course website

They may not, however, break digital locks, even for educational purposes; these are to be considered the same as a work having a password or being encrypted

TV and Radio Programs

• A single copy of a news, news commentary, and other radio and TV programs can be made for re-airing in the classroom, but only at the time it is aired or made available on the internet

• Copies of programs that are not news or news commentary have a 30-day restriction. Teachers have 30 days to review the copy for classroom use. If, within the 30 days, the recording is shown to a class or if it is not erased, the school is required to make a royalty payment.
TV and Radio Programs, continued

Royalty payments are made to ERCC (Educational Rights Collective of Canada [http://www.ercc.ca]), either by:

- A single per-minute transaction of 13 cents for radio and $1.60 for TV programs, or
- An annual fee of $1.73 per student in the school,

Feature Films (and other audiovisual works)

Audiovisual works such as DVDs or videos can be purchased, rented, brought from home, borrowed, streamed, or captured from YouTube or similar online source. They must be legally obtained and cannot be copies.

These works may be shown from subscription services, subject to the terms of the subscription agreement. If, for example, the terms limit use to personal or household use only (such as Netflix), then the video cannot be shown in the classroom.

PPR is no longer required when showing feature length movies and [some] documentaries for educational / classroom purposes; it is required however for non-educational purposes in schools such as before or after school events or programs, fund-raising, and so on. Distribution companies provide PPR for non-educational purposes at reasonable prices.

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- PPR is no longer required when showing feature length movies and [some] documentaries for educational / classroom purposes
- It is required however for non-educational purposes in schools such as before or after school events or programs, fund-raising, and so on.
- Distribution companies provide PPR for related or school-based non-educational purposes at reasonable prices.
Music
Music can be played or performed by students on school sites "for the furtherance of an educational object" for audiences of other students, educators, and parents. That is, music can be used for educational purposes in schools without permission, provided the event is not for profit. It can be used:

- In assemblies
- In classroom presentations or demonstrations
- Before, during, and after school if the use is educational, eg: daily student broadcasts

Music, continued
Music cannot be played or performed by students on school sites under the terms of The Act, that is, without permission and payment:

- At school dances or sporting events
- At an event where profit is intended
- As background music anywhere in the school or while people are "on hold" on the telephone

Licensing for these restrictions is provided by SOCAN (www.socan.ca) and ReSound (www.resound.ca)

Music, continued
Licensing is not provided by SOCAN and ReSound for music used in schools:

- In live plays (contact theatrical agent)
- In school performances by outside performers (responsibility of performer)
- In school rental events (responsibility of outside group)

Key considerations are times and locations of performances; educational purposes, including assessment; profit purposes
Computer Programs

Copying of legally-owned computer software programs is permitted when, for his or her own use, the owner of the program:

• Makes one back-up copy or makes a copy that adapts, modifies, or converts the original program or translates it into another computer language, because it is essential for compatibility with a particular computer

• Erases the copy when he/she ceases to own the original program

Copyright in School Libraries

Teacher-Librarians provide expertise for both students and staff on ways to ensure respect for intellectual property rights and copyright compliance.

In their own contexts for work both in , they may:

• Make a copy of a work for cataloguing, record-keeping, insurance, investigation, restoration

• Make a copy of a work if the original is not commercially available in an educationally appropriate format, if it is rare or fragile or unpublished, or obsolete or in danger of becoming obsolete

• Digitally deliver inter-library loan copies

Students’ Rights

Students’ intellectual property rights are protected. That is, any original work – an essay, a video, a sound recording, a website, an art piece, for example – requires authorization for further use.

Authorization in VSB schools requires both the student’s and the parent’s signed permission to re-use in a publication, workshop, or web posting, or as an exemplar. Email is considered a legal document for this purpose.
More Information


www.cmecc.ca/139/Programs-and-Initiatives/Copyright/Overview/index.html.

The Canadian Teachers’ Federation

www.ctf-fce.ca