



## AP I5 Copyright and Fair Dealing

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Legislative References: *Canada Copyright Act*

Policy Reference: None

Collective Agreement References: Article F.1

Date: April 25, 2023

The District recognizes that the technology related to the storage, retrieval and dissemination of information is continuously changing and that the copying or use of print materials, electronic media, electronic databases and computer software must respect copyright protections.

In compliance with the Canadian Copyright Law, the District specifies that the use or reproduction, by any means and in any quantity, of copyright material by District employees will be permitted only when that use is in compliance with permissions granted under the *Copyright Act* or when specific licenses have been secured

Staff are to be mindful that not only print media, but video and online media are expressly included in copyright protection and fair dealing.

### **Fair Dealing**

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.

- a. 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.
- b. The second test is that the dealing must be “fair.” In landmark decisions in 2004 and 2012, the Supreme Court of Canada provided guidance as to what this test means in schools and postsecondary educational institutions.

These guidelines apply to fair dealing throughout the District and provide reasonable safeguards for the owners of copyright-protected works in accordance with the *Copyright Act* and the Supreme Court decisions.

The [Fair Dealing Tool](#) is an excellent resource,



## Board of Education of School District No. 64 Administrative Practices

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1. Staff 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.
2. Copying or communicating short excerpts from a copyright-protected work under 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:
  - 3.1. as a class handout;
  - 3.2. as a posting to a learning or course-management system that is password protected or otherwise restricted to students of a school;
  - 3.3. as part of a course pack.
4. A short excerpt means:
  - 4.1. up to 10 per cent of a copyright-protected work (including a literary work, musical score, sound recording, video recording, and an audiovisual work);
  - 4.2. one chapter from a book;
  - 4.3. a single article from a periodical;
  - 4.4. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
  - 4.5. an entire newspaper article or page;
  - 4.6. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
  - 4.7. 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.



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6. Copying or communicating that exceeds the limits in Fair Dealing Guidelines may be referred to a supervisor for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.

### **Processes**

1. Principals and other senior management personnel shall ensure that the contents of this Administrative Practice are made known to staff in their areas of responsibility and that compliance with copyright laws is routine.
2. Principals and other senior management personnel will highlight that materials covered by this Administrative Practice apply to all copyright protected work regardless of format, including video screening.
3. Details regarding copyright compliance are attached in the *Copyright Matters* resource.