

<p>Curriculum & Instruction 8403</p> <hr/> <p>Copyright Agreements</p>	Administrative Application	
	Last Reviewed /Approved on:	December 18, 2018
	References:	Copyright Act Policy 12 – Role of the Director
	Status:	Operational

Preamble

Copyright is the legal protection of a creator’s original work. The Regina Catholic School Division (RCSD) recognizes the rights of creators and works to ensure staff members are aware of these rights as required by the *Copyright Act of Canada*. The school division will not accept responsibility for a staff member who wilfully and knowingly contravenes the *Copyright Act*.

Definitions

1. **Public Performance Rights (PPR)**
This term refers to the legal right to perform, display, or view a work publicly. A licensing fee or tariff is often associated with obtaining PPR.
2. **Collective**
This term refers to an organization that administers the legal rights provided under the *Copyright Act* on behalf of copyright owners and rights holders who are members of that collective.
3. **Fair Dealing**
This term refers to provisions within *the Copyright Act* which allows “teachers and staff members in non-profit educational institutions to reproduce, in paper or electronic form, short excerpts from copyrighted work for the purposes of “research, private study, criticism, review, news, reporting, education, satire, and parody.” [Fair Dealing Guidelines for Schools]

Application

1. Personnel in RCSD have the right to use selected copyrighted material under the following conditions:
 - a. Written permission is obtained from the copyright holder.
 - b. The user meets the provisions of “fair dealing” as outlined in the *Fair Dealing Guidelines for School*, which states that:
 - i. Education is now an acceptable purpose in the *Copyright Act*;
 - ii. The amount of the dealing/copying has to be restricted to a short excerpt of up to 10 percent, or one chapter, a single article from a periodical, an entire newspaper article, poem, artistic work, musical score or entry from a reference work;
 - iii. A non-copyrighted equivalent of the work is not available.

- iv. For more information, refer to the Council of Ministers of Education, Canada booklet titled *Copyright Matters: Some Key Questions & Answers for Teachers, 3rd edition* or the *Fair Dealing Guidelines for School* on page 5 of this document.
 - c. Permission is granted by licensing agreements entered into by the school division with the following collective agencies on behalf of teachers:
 - i. Audio Cine Films
 - ii. Visual Education Centre/Criterion Pictures
 - iii. SOCAN
 - iv. LicenSing
2. **Access Copyright Bibliographic Survey of Photocopies Materials**

As approved by the Ministry of Education, the Access Copyright collective is entitled to conduct a bibliographic survey of photocopied materials in selected Canadian schools. Selected schools are required to participate in the survey.
3. **Audio Visual Works: DVD/Video**

Audio visual works are shown in schools for two purposes:

 - a. Showings to Meet an Educational Purpose

An audiovisual work such as a DVD may be shown in the classroom to further an educational objective as long as it is a legally obtained. The program may be purchased or rented from a retail store, a copy borrowed, or a YouTube video. Programs obtained from online subscription services are governed by the terms of the agreement which usually limits the use to “personal” or “household” use. Under these conditions, classroom use is not permitted. [*Copyright Matters, 3rd edition*]
 - b. Showings for Entertainment Purposes

For those programs, usually movies, that are shown for entertainment purposes (i.e., before/after school, recess, lunch hour, caught you being good reward, evening event) RCSD enters into an annual public performance licensing agreement with two companies: Audio Cine Films (ACF) and Visual Education Centre/Criterion Pictures (VEC). Programs that are rented, borrowed, or purchased must be legally manufactured copies.

As part of these licensing agreement protocols, school-based administrators and teachers are responsible for carrying out the tasks below:

 - i. It is the responsibility of the principal or designate to Inform staff of the license and reporting criteria, to ensure that the PPR Usage Form is available for staff use, and to submit PPR Usage Form to the companies following the scheduled reporting periods—ACF: end of December, March & June; VEC: end of September, December, March & June). Forms may be faxed or submitted online. For online login information, contact the Coordinator of Information and Library Services.
 - ii. It is the responsibility of staff members to record the date of the showing and the title of the program on the PPR Usage Form.
- b. Transfer of Format

It is an infringement of copyright to transfer the contents of one media format to another if the required format is available for purchase and/or without the written consent of the copyright holder. For example, it is not permissible to transfer a VHS tape to DVD if the DVD is available for purchase.

4. Music—Liturgical

RCSD acquires annual licenses with a number of music collectives. These allow for the use of a variety of liturgical music resources within schools. The licenses grant permission to include the words in PowerPoints, song booklets, or other written presentation formats.

The procedure is as follows:

- a. Contact the Coordinator of Catholic Education Services to see if a song is covered by one of the school division's licenses.
- b. The Coordinator will let the inquirer know which license the song is covered by.
- c. Print the following at the bottom of song sheets, overheads or power points, as applicable.

- i. LicenSing

- < Reprinted with permission under license # C10580, LicenSing-Copyright Cleared Music for Churches. >

- ii. OnceLicense.net Protocol

- < Reprinted with permission under license #A-710713, OnceLicense.net. >

- iii. Litmus Productions/World Library Publications Protocol

- For anything from Michael Mangan:

- < XXXX (copyright year of song), Litmus Productions. Exclusive licensing agent in North America: World Library Publications, Frank Park, Illinois, U.S.A.
www.wlpmusic.com All rights reserved. Used by permission under license number ACL0309091. >

- iv. John Burland Protocol

- For anything from John Burland:

- < Reprinted with kind permission of John Burland. >

5. Music as Entertainment—SOCAN

Music may be performed in schools without payment or the consent of the copyright owner when it advances an educational objective. For example, performance of music in a social studies class for the purposes of comparing cultural music is permitted; however, music used for entertainment purposes, played in the hallways, at school dances, or during assemblies requires a license from SOCAN (the *Society of Composers, Authors, and Music Publishers of Canada*), the collective agency of Canadian music creators and publishers. RCSD acquires an annual SOCAN license for the school division. There is no record keeping protocol.

6. Internet Material

Material available through the Internet may be saved, downloaded, and shared publically for educational purposes. "Publically available" materials are those posted online without any technological protection measures and without a clearly visible notice prohibiting educational use. Routine classroom use may be made of publicly available internet materials such as incorporating

online text or images into assignments, or performing music or plays online for peers. Students and teachers are required to cite the source of the Internet materials used. Reposting these materials should occur only on a restricted-access website (Moodle). *[Copyright Matters, 3rd edition]*

7. **Ownership of Copyright within Regina Catholic School Division**

a. Personnel

In the absence of any agreement to the contrary, the school division owns copyright in any works produced by a staff member in the course of their employment.

b. Students

Students own the copyright on anything that they create and parental permission to reproduce their work should be obtained if the student is under sixteen (16). Student permission is required if the student is sixteen (16) or over. Permission is not required to display student work within the school.

- i. Each school will request and file permissions for parents/guardians at the beginning of each school year to record and/or tape their child(ren) for possible performance.
- ii. Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, central office or shopping centers.
- iii. The copyright in photographs taken by students for school publications with equipment and supplies provided by the school is usually the property of the schools.

Fair Dealing Guidelines for Schools

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.

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 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.

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 and 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;
 - c) as part of a course pack.
4. 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.
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.