

Administrative Procedure 190

COPYRIGHT

Background

The Division recognizes the rights of creators and undertakes to ensure staff members are aware of these rights as required by the Copyright Act of Canada. The Division will not accept responsibility for a staff member who willfully and knowingly contravenes the Copyright Act.

Definitions

In this administrative procedure:

1. *Copyright* means the legal protection of a creator's original work. Copyright law does not protect ideas, only the form in which they are expressed.
2. *Copyright Infringement* means publishing, adapting, exhibiting, translating, editing, performing in public, communicating by telecommunication, copying or converting to another medium without permission of the creator.
3. *Works Covered by Copyright* means all original literary, dramatic, musical and artistic works.

Examples include: books, writings, encyclopedias, photographs, films, dictionaries, statistical data, newspapers, reviews, magazines, translations, tables, compilations, examination questions, speeches set down in writing, any piece that can be recited, choreographs, harmony, melody, lyrics, paintings, drawings, sculptures, works of artistic craftsmanship, engravings, architectural works of art, maps, plans, charts, records, cassettes, tapes, sound recordings, television programs and electronic resources such as computer software, online programs, CD-ROM's, laser disks and computer programs stored on any media.

4. *Dubbed Off-Air* means making a copy of any television program during broadcast.

Procedures

1. Works covered by copyright may only be reproduced for Division Office, class or school use with oral or written permission from the copyright owner or if they are covered by the agreement entered into with Access Copyright on behalf of the Division by the Ministry of Education.
2. Print Resources
 - 2.1 An individual may reproduce, for personal study only, a single copy of an article, poem, or of a work for private study, research, criticism, review or newspaper summary.
 - 2.2 If a staff member wishes to photocopy one (1) copy for school library use, the staff member shall obtain copyright permission.

- 2.3 If a staff member wishes to make multiple photocopies of an item, the staff member shall ascertain whether copying privileges have been granted by the author and/or publisher; or whether the author and/or publisher are participants in the Access Copyright agreement; or whether permission (verbal and written) is required from the author and/or publisher.
- 2.4 If it is necessary for staff members to make multiple photocopies of an item:
- 2.4.1 Check the back of the title page in books and the table of contents page in magazines to determine what copying privileges the publisher may grant;
- (Some creators of print material give permission to copy for educational purposes and on a non-profit basis. Some newspapers have given Saskatchewan teachers permission to copy from their publications. The Government of Saskatchewan also has many publications which permit copying.)
- 2.4.2 Check the Access Copyright list of what is permitted or what is excluded;
- 2.4.3 If the item is included in the exclusions list or is out of print, contact the copyright owner by phone first, then follow up with a letter for permission to photocopy. Forms are included in the Forms Manual which may be faxed to the appropriate parties;
- 2.5 If verbal permission to photocopy copyrighted material is granted, please indicate grantor, time and date on your copy of the letter of request. If verbal permission is granted, materials may be used immediately or before the form is returned; and
- 2.6 If a fee to reproduce materials is required, please confirm arrangements with the Principal before proceeding with duplication.

3. Video Resources

Television programs may only be dubbed off-air with permission from the copyright owner.

- 3.1 Staff members are to check the ACCESS NETWORK catalogue for titles of videos that may be dubbed off-air.

A single copy of a news program or a news commentary program may be dubbed off-air for exclusive use by students and teachers in the course of teaching for a period of one (1) year without obtaining permission from the copyright owner.

A single copy of all other types of broadcast programs may be dubbed off-air and a teacher may examine the copy for a period of up to thirty (30) days. If the copy is shown on school premises, including within the thirty (30) day evaluation period, payment must be made.

- 3.2 Cable in the Classroom is a programming service providing access, free of charge, to a limited number of television programs for use on school premises. A monthly schedule of available programming is available on their Internet site www.cableeducation.ca
- 3.3 Only video programs and feature film rentals with public performance rights may be shown in schools or at Division functions.
 - 3.3.1 The Ministry of Education purchases provincial duplication rights, which include a public performance license, for certain video programs available through ACCESS NETWORK.
 - 3.3.2 Preview request may be submitted by staff members to the IMC for any video/film titles for central office or classroom use. If recommended for purchase, these videos/films would include a public performance rights license.

4. Electronic Resources

- 4.1 Electronic resources such as computer software, CD-ROM's, on-line programs, electronic bulletin boards, freeware, shareware, and computer programs stored on any media may only be used according to conditions specified on the site or jurisdictional license.

The Division will make every effort to purchase multiple copies of electronic resources or to purchase site or jurisdictional licenses for electronic resources.
- 4.2 One (1) back-up copy, adaptation or translation of a computer program is permitted by law and does not require special permission from the copyright owner.

Schools (school libraries) may only lend the original program, not the back-up copy.
- 4.3 Where a work has been placed on the Internet with the message that it can be freely copied, there is an actual license to copy the work. Sometimes the terms of the license are subject to conditions.

5. Music Resources

- 5.1 A sound recording may be placed on sound equipment in school, if the public performance rights were purchased.

Sound recordings obtained from Canadian distributors always include public performance rights in the purchase price.
- 5.2 A musical work may be performed by students and teachers in the course of teaching without obtaining permission from the copyright owner.
- 5.3 Where a work has been placed on the Internet with the message that it can be freely copied, there is an actual license to copy the work. Sometimes the terms of the license are subject to conditions.

6. "Public Domain" Resources

6.1 Staff members may reproduce works that are in the "Public Domain".

If a work is in the "public domain" it means that reproduction is allowed without requesting permission. Fifty (50) years after the death of a creator, a work becomes part of the "public domain", except when rights are passed to others. If the work is reprinted in a new edition, only the original text is in the "public domain".

7. Ownership of Copyright

7.1 The Division owns copyright in any works produced by a staff member in the course of his/her employment.

7.1.1 The Director may grant others the right to reproduce work copyrighted by the Division under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgment to the authors.

7.1.2 The Director may enter into an agreement with others to produce, in part or in whole, a work for the Division. This agreement shall specifically address copyright of the work produced.

7.1.3 The Division may market Division material at a cost that shall cover printing, mailing and royalty.

7.1.4 The Division may enter into an agreement with a private publisher to publish Division material for sale and distribution.

7.1.5 If the Division markets a resource profitably, it may choose to compensate the creative staff member.

7.2 Students own the copyright on anything that they create and parental permission to reproduce their work is to 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.

7.2.1 Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, Division Office or shopping centers.

7.2.2 The copyright in photographs taken by students for school publications with equipment and supplies provided by the school is usually the property of the school.

8. Adherence to Copyright Law

Staff members will not be required by their supervisors to perform any service that is a violation of the copyright administrative procedure.

8.1 Copyright information shall be offered to all staff members, to ensure they are made aware of Copyright Law, the Access Copyright agreement, and this administrative procedure.

8.2 The Director may appoint a committee to review copyright procedures periodically and will continue to provide updated information to all schools. This administrative procedure will be reviewed as necessary and rewritten when amendments to the current Copyright Act are passed.

9. Sample Copyright Information Labels

9.1 Photocopiers

Staff members and students shall not photocopy copyrighted materials without permission from the copyright owner.

9.2 Computers

Staff members and students shall not copy computer software without permission from the copyright owner.

9.3 VCR/DVDs

No off-air dubs of television programs or videos without public performance rights may be used without permission from the copyright owner.

Reference: Sections 9, 85, 87, 108, 109, 175 Education Act
Copyright Act
Copyright Regulations
Access Copyright Agreement