POLICY:	COPYRIGHT			#	321
SECTION:	300 : School Administration			Page 1	of 2
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A: POLICY

1. It is the policy of the Thunder Bay Catholic District School Board to comply with the *Fair Dealing provision (Section 29, 29.1, 29.2 of the Copyright Act)* as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium. The Board will communicate the *Fair Dealing Guidelines* to all schools annually in order to ensure that all staff understand the obligations of the school board in accordance with the *Copyright Modernization Act*.

B: BACKGROUND

2. 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:

    2.1 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.

    2.2 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 post-secondary educational institutions. These guidelines apply to 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.

C: **GUIDELINES**

3. For the purposes of this policy, the following guidelines are applicable:

    3.1 Teachers and staff members 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.

    3.2 Copying or communicating short excerpts from a copyright-protected work under the 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.

    3.3 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:

        3.3.1 as a class handout

3.3.2 as a posting to a learning or course management system that is password protected or otherwise restricted to students of a school

3.3.3 as part of a course pack

3.4 A short excerpt means:

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

3.4.2 one chapter from a book

3.4.3 a single article from a periodical

3.4.4 an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart and plan) from a copyright-protected work containing other artistic works

3.4.5 an entire newspaper article or page

3.4.6 an entire single poem or musical score from a copyright-protected work containing other poems or musical scores

3.4.7 an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work

3.5 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.

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

3.7 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.