

### 607.3.1 Copyright

1. Use of all copyrighted materials shall be in accordance with the current legislation and applicable license agreements. To find specific information regarding copyright, staff members should refer to the Copyright Act available at: <http://laws-lois.justice.gc.ca/PDF/C-42.pdf>
2. Works covered by copyright may be reproduced if the intended use falls within the Fair Dealing provision outlined in the Copyright Act. The Fair Dealing provision can be found in Appendix A of this procedure. School staff are encouraged to consult the publication Copyright Matters! (2012), which is available at [www.cmec.ca](http://www.cmec.ca), [www.cdnsba.org](http://www.cdnsba.org), and [www.ctf-fce.ca](http://www.ctf-fce.ca) for frequently asked questions and answers regarding copyright in schools.
3. Use of copyrighted materials that do not fall under the Fair Dealing provisions is not permitted without the approval of the Superintendent or designate. Where school staff or students wish to use copyrighted materials, they must:
  - 3.1. obtain permission to copy from the copyright holder; and
  - 3.2. where requested, pay a royalty to the copyright holder.
4. Public Performance Licenses may be obtained through the Society of Composers, Authors and Music Publishers of Canada at <http://www.socan.ca/licensees/music-use> or at [www.resound.ca](http://www.resound.ca). These licenses give permission to use copyright-protected musical works from anywhere in the world.
5. Digital Resources:
  - 5.1. Digital resources, such as computer software, may only be used according to the conditions specified on the site or jurisdiction license. Questions regarding the use of software should be directed to the Technology Department.
6. Music Resources:
  - 6.1. Music CDs may be played on sound equipment in school if the public rights were purchased. See 4 above.
  - 6.2. A single musical work may be performed by students and teachers in the course of teaching without obtaining permission from the copyright owner, however, the use of related print materials such as sheet music must

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adhere to the Fair Dealings provisions.

- 6.3. Live performance of musical works must:
  - 6.3.1. take place on the premises of an educational institution;
  - 6.3.2. be for educational or training purposes;
  - 6.3.3. not be for profit; and
  - 6.3.4. take place before an audience consisting primarily of students of the educational institution, persons acting under its authority, or any person who is directly responsible for setting a curriculum for the educational institution.
- 6.4. School-created DVDs may only be sold for profit if the use of each work on the DVD complies with copyright legislation.
- 6.5. Downloaded music used in schools (from personal CDs or from the internet) must have been legally obtained.

#### **7. Video Resources:**

- 7.1. Schools may present commercially available movies for classroom educational purposes without a public performance license under these circumstances:
  - 7.1.1. They must be for classroom educational/training purposes.
  - 7.1.2. They must occur for the students of a specific educational institution.
  - 7.1.3. An instructor/teacher must be present.
  - 7.1.4. Movies must be legally obtained and manufactured copies.
  - 7.1.5. Family movie nights do not qualify as educational activities.

#### **8. "Public Domain" Resources:**

- 8.1. Employees may freely reproduce musical works that are in the "public domain". A work becomes part of the "public domain" fifty years after the death of the creator. The exception is when the rights are passed on to others. If the work is reprinted in a new edition, only the original text is in the "public domain".
- 8.2. YouTube resources are considered public domain and therefore are not copyright protected.

9. The Board owns copyright on any works produced by an employee during their employment hours. (See Policy 405.15)
  - 9.1. The Superintendent may grant others the right to reproduce work that is copyrighted by the Board under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgement to the

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authors, and the Board as owners of the copyright.

- 9.2. The Superintendent may enter into an agreement with others to produce, in part or in whole, a work for the Board. This agreement shall specifically address copyright of the work produced.

10. Students own the copyright on anything that they create and parental permission to reproduce their work should be obtained if the student is under 16 years of age. Student permission is required if the student is 16 or older.
- 10.1. Permission is required to display student work within the school. Often this is obtained from parents when signatures are collected during student registration each year.
- 10.2. Permission shall be obtained to display any student work outside the school at sites including but not limited to teachers' conventions, conferences, public libraries, central office or shopping centers. Often this is obtained from parents when signatures are collected during student registration each year.
- 10.3. Photographs taken by students for school publications with equipment provided by the school are considered the property of the school.