

COPYRIGHT

Background

The District believes in the rights of copyright owners and expects staff members to be aware of and uphold these rights as required by the Copyright Act. At the same time, the District recognizes the need for students to have access to a wide range of educational resources. This administrative procedure is intended to set limits within which staff members may copy and distribute copyrighted materials.

The District will not accept responsibility for a staff member who willfully and knowingly contravenes the Copyright Act or who copies materials without permission of a copyright owner excluded from the Access Copyright agreement.

Definitions

In this administrative procedure:

1. "copyright" means the legal protection of a copyright owner's 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 copyright owner.
3. "works covered by copyright" mean all original literary, dramatic, musical, and artistic works for which the copyright owner's term of rights has not expired.

Examples include: books, writing, 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, choreographies, harmony, melody, lyrics, paintings, drawings, cartoons, sculptures, engravings, architectural work, maps, charts, records, cassettes, tapes, sound recordings, video recordings, and electronic resources such as on-line material, 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.
5. "video" means video and digital video recordings.
6. "electronic resources" means any computer programs, on-line material, electronic bulletin boards, but not digital video recordings.
7. "District material" means any works to which the District owns the copyright.

Procedures

1. Works covered by copyright may only be reproduced for District office, class, or school use with oral or written permission from the copyright owner or if copying of

the works is covered by the agreement entered into with Access Copyright on behalf of the District by the British Columbia Ministry of Education.

2. The District will allocate funds through school budgets for provision of learning resources and for the payment of copyright permission.
3. It is not an infringement of copyright for schools, students, or staff members to reproduce, perform, and communicate works as allowed under law and the Access Copyright agreement. This includes but is not limited to the following:
 - 3.1 For personal use only, reproducing single copies of a work for private student or research, or, for personal use only, reproducing single copies of work for criticism, review, or newspaper reporting, provided the source and author are acknowledged.
 - 3.2 Reproducing for educational purposes a single copy for each student, two copies for the teacher, or the number required for administrative purposes of whichever is greater: 10% of a published work, or: an entire single short story, play, essay, article, or poem; an entire reproduction of an artistic work, or a chapter which is 20% or less of a book. The source and author must be acknowledged.
 - 3.3 Reproducing up to 10% over time of work cards, assignment sheets, and tests and examination papers if the portion copied is not intended for one time use, was originally purchased by the person making the copies, and is no longer commercially available.
 - 3.4 Making for educational purposes a manual reproduction of work on a dry-erase board or flip chart, or making for educational purposes a copy of a work to be used to project an image of that copy using a projector.
 - 3.5 Making for educational purposes a copy of a work as required for a test or examination, unless the work is commercially available in a medium that is appropriate.
 - 3.6 Making alternate format copies of all or any part of published works included in the Access Copyright agreement for persons who by reason of a sensory, physical, or neural handicap cannot effectively use print materials.
4. Print Resources
 - 4.1 If a staff member wishes to make copies of a print resource, the staff member shall:
 - 4.1.1. Ascertain whether copying privileges have been granted by the copyright owner by checking the back of the title page in books and the table of contents page in magazines;
 - 4.1.2 Check the Access Copyright list of what is permitted or what is excluded;
 - 4.1.3 If copying privileges have not been granted within the work, the work is included in the exclusions list, or the work is out of print, seek written permission from the copyright owner;

- 4.1.4 If a fee to reproduce materials is required, please confirm arrangements with the Principal before proceeding.

5. Video Resources

- 5.1 Only video programs and feature film rentals with public performance rights may be shown in schools or at district functions. Videos purchased or rented from video stores and American companies may be shown in schools or at district functions if a site license that covers these titles has been obtained from the Canadian distributor.
- 5.2 Teachers and administrators may show a television program at the time of its communication to the public by telecommunication if on school property, for educational purposes, not for profit, and before an audience consisting primarily of students.
- 5.3 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 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 30 days. If the copy is shown on school premises, including within the 30-day evaluation period, payment must be made.

6. Electronic Resources

- 6.1 Licensed electronic resources may only be used according to conditions specified on the site or jurisdictional license.
- 6.2 Where a work has been placed on the Internet with the message from the copyright owner that it can be freely reproduced, the work may be copied or printed according to the conditions specified.
- 6.3 One back-up copy, adaptation, or translation or a computer program is permitted by law and does not require special permission from the copyright owner.

7. Sound and Music Resources

- 7.1 Teachers and administrators may play the following if on school property, for educational purposes, not for profit, and before an audience consisting primarily of students.
 - 7.1.1 A sound recording or a work or a performer's performance embodied in a sound recording.
 - 7.1.2 Radio programming at the time of its communication to the public by telecommunication.
- 7.2 A live performance of a musical work may be performed by students and teachers in the course of teaching without obtaining permission from the copyright owner if on school property, for educational purposes, not for profit, and before an audience consisting primarily of students.

8. "Public Domain" Resources

- 8.1 Staff members may reproduce and perform works that are in the "Public Domain". In most cases, a published, performed, or communicated work becomes part of the "Public Domain" fifty years after the death of the author of the work. If the work is reprinted in a new edition, only the original text is in the "Public Domain."

If a work is in the "public domain", it means that reproduction is allowed without requesting permission. Fifty 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".

9. Ownership of Copyright

- 9.1 The District owns copyright in any works produced by a staff member in the course of his/her employment.

9.1.1 The Superintendent or a person acting under his or her authority, may grant the others the right to reproduce, perform, or communicate works to which the District owns the copyright according to the rights granted the copyright owner in law, and under such terms as may be appropriate. The reproduction must include acknowledgement of the copyright and give acknowledgment to the authors.

9.1.2 The Superintendent or a person acting under his or her authority may enter into an agreement with others to produce, in part or in whole, a work for the District. This agreement shall specifically address copyright of the work produced.

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

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

9.1.5 If the District markets a resource profitably, it may choose to compensate the staff members(s) who are the authors of the work.

- 9.2 Students own the copyright on anything that they create and parental permission to reproduce, perform, or communicate their work should be obtained if the student is under 16. Student permission is required if the student is 16 or over. Permission is not required to display student work within the school. Permission is required to display student work outside of the District.

10. Adherence to Copyright Law

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

- 10.2 All videocassette and DVD players, photocopiers, and computers should be labeled to identify clearly what constitutes copyright infringement under law and the Access Copyright agreement.

- 10.3 Copyright in-service sessions shall be offered to all staff members, to ensure they are made aware of Copyright Law, the Access Copyright agreement and this administrative procedure.
- 10.4 The Superintendent 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, or to the Access Copyright agreement, are passed.

SAMPLE COPYRIGHT INFORMATION LABELS

Photocopiers

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

Computers

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

Videocassette Recorders

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

References: Section 65, 85, School Act
Copyright Act,
Copyright Regulations,
Access Copyright Agreement