

COPYRIGHT

Background

The purpose of this procedure is to provide guidance to the schools and district sites in observing the copyright law.

The district believes in the rights of creators 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. The purpose of this operational procedure is to provide guidance to staff in adhering to copyright law.

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 the author or publisher which are excluded from the Access Copyright® agreement with the BC Ministry of Education.

Procedures

1. The Campbell River School District does not accept responsibility for, or support the reproduction of, digital formats, television and radio programs, audio and video resources, printed matter, or any other copyrighted or patented materials for which the rights are not secured by an individual, a school or by the district.
2. Staff members will not be required by their supervisors to perform any service that is a violation of the Copyright Act and/or Copyright Regulations.

3 Print Materials

- 3.1 Printed materials covered by the Access Copyright® license with the BC Ministry of Education may be reproduced in accordance with the terms of the current agreement. Printed material not covered by the Access Copyright license cannot be used by employees unless written permission from the legal copyright holder is obtained. (See Form 142-1 Request to Use Copyrighted Material)

Under the Fair Dealings Guidelines, the following situations are permissible:

- Communicating and reproducing, in paper or electronic form, short excerpts for the purposes of research, private study, criticism, review, news reporting, education, satire, and parody. Excerpts for the purpose of news reporting, criticism, or review should mention the source and, if given the source, the name of the author or creator of the work;
- A single copy of a short excerpt may be provided or communicated to each student enrolled in a class or course as a class handout, a posting to a learning or course-management system that is password protected or otherwise restricted to students of a school, or as part of a course pack. A short excerpt means up to 10% of a literary work, musical score, sound recording, and audiovisual work; one chapter from a book; a single article from a periodical; an entire painting, print, photograph, diagram, drawing, map, chart or plan; an entire newspaper article or page; an entire poem or musical score from a work containing other poems or musical scores; or an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.

- 3.2 Legislation does allow for limited exemptions for educational purposes. A list of those exemptions is available in the document Copyright Matters.

4. **Non-Print Materials**

- 4.1 School district employees can in accordance with Copyright Matters, use audiovisual works purchased or rented from a retail store, borrowed from the library or a friend, or a YouTube video for instructional purposes during instruction time. However, they CANNOT use audiovisual works streamed through a personal home streaming service (i.e. Netflix, Disney+, etc) Video recording of television programs is allowed and may be shown provided the copy is made at the time the program is broadcast or published on the internet, the showing is for an audience primarily of students, the showing takes place at the school.

5. **Music Resources**

- 5.1 Under the SOCAN/ERAC agreement, the following situations are permissible:
- Music performed at school dances;
 - Music performed at school sporting events;
 - Music performed by students at an event on school premises for students, faculty, family members and others;
 - Music performed on school premises for no other reason than as background (e.g. in the classroom, cafeteria, halls, at school events such as fairs, carnivals, socio-cultural events);
 - Music performed in school assemblies (e.g. a recording of O' Canada);
 - Music performed by a student in a presentation to other students, teachers, assessors or parents (e.g. as part of a presentation during music class);
 - Music performed in demonstration activities by students, primarily for other students, teachers, assessors or parents, and for which any admission fee charged covers costs but does not make a profit (e.g. a concert by the school choir, gymnastic routines, shows by school bands);
 - Music performed during school hours for teaching/learning (e.g. music/dance/dramatic arts classes).
 - Music performed before and after school hours, and during recess, if the use is for educational purposes (e.g. school radio operated by students for credit and supervised by a teacher);

6. **Public Domain Resources**

- 6.1 Staff members may reproduce works that are in the "public domain".
- 6.2 Work placed on the internet DOES NOT mean that it is part of the public domain. Only items that include a posted message that it can be copied free of charge means that there is an actual license to copy the work provided you follow the stated license conditions. The same rules apply as the Fair Dealings Guidelines for print materials under section 3.1.
- 6.3 If a work is in the public domain, it means that reproduction is allowed without requesting permission. Seventy (70) 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. **Distribution of Copyright Legislation and Guidelines**

- 7.1 The director of instruction or designate (i.e. - district teacher librarian) is responsible for distributing Copyright Matters and Fair Dealings Guidelines produced by the government which outline current copyright legislation, to all schools for principals to share with their staff.
- 7.2 School-based teacher librarians and the district resource centre will be provided with hard copies of Copyright Matters and Fair Dealings Guidelines by the director of instruction or designate.
- 7.3 School-based teacher librarians are expected to share copyright information at a staff meeting annually.
- 7.4 School-based teacher librarians are the school's reference person for copyright questions. If the school does not have a teacher librarian, questions should be directed to the district teacher librarian or director of instruction.

8. **Ownership of Copyright**

- 8.1 The district owns the intellectual property created by employees in the normal course of their work during their employment.
 - The superintendent may grant others the right to reproduce work copyrighted by the district under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgment to the authors.
 - The superintendent 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.
 - The district may market district material at a cost that shall cover printing, mailing and royalty.
 - The district may enter into an agreement with a private publisher to publish district material for sale and distribution.
 - If the district markets a resource profitably, it may choose to compensate the creative staff member.
- 8.2 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. Student permission is required if the student is 16 or over. Permission is not required to display student work within the school.
 - Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, the district office, shopping centres, online websites, or social media.
 - The copyright in photographs taken by students for school publications with equipment and supplies provided by the school is the property of the school.

Reference: Sections 17, 20, 22, 65, 85 School Act
Copyright Act
Copyright Regulations
Access Copyright Agreement
SOCAN/ERAC Agreement

Related Forms: [SD72 Form 142-1 Request to Use Copyrighted Material](#)

Related Documents: Fair Dealings Guidelines
Copyright Matters

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