



# Copyright / Fair Dealing

Date Approved: 2017

Projected Review Date: 2021

Page 1 of 3

## PURPOSE:

Hamilton-Wentworth District School Board (HWDSB) ensures that it will comply with the *Fair Dealing Guidelines* as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium and the prohibition on the copying of consumables.

## GUIDING PRINCIPLES:

- HWDSB respects the rights of copyright owners and shall not knowingly copy, sell, distribute or use any print or electronic materials, without the express permission of the copyright owner, or in accordance with appropriate policies and/or licence agreements.
- All use of copyright-protected work shall follow the *Canada Copyright Act* and its Regulations, the *Copyright Modernization Act*, the *Fair Dealing Guidelines*, relevant policies of HWDSB and all institutional licensing agreements.

## INTENDED OUTCOMES:

- That all staff and students are made aware of HWDSB's obligations in accordance with the *Copyright Modernization Act* on an annual basis.

## RESPONSIBILITY:

Director of Education  
Members of Executive Council

## TERMINOLOGY:

*Consumables:* Consumables are materials intended for one-time use. Copying, scanning or printing materials intended for one-time use is strictly prohibited. This prohibition does not apply to reproduces.

*Copyright:* A set of exclusive rights, including the right to copy a work, a performance or sound recording.

*Copyright Infringement:* Violation of copyright through unauthorized copying or use of work or other subject matter under copyright.

*Copyright Modernization Act:* An amendment to the Federal Copyright Act, which:

- updates the rights and protections of copyright owners to better address the challenges and opportunities of the Internet, so as to be in line with international standards;



# Copyright / Fair Dealing

Date Approved: 2017

Projected Review Date: 2021

Page 2 of 3

- clarifies Internet service providers' liability and make the enabling of online copyright infringement itself an infringement of copyright;
- permits businesses, educators and libraries to make greater use of copyright material in digital form;
- allows educators and students to make greater use of copyright material;
- permits certain uses of copyright material by consumers;
- gives photographers the same rights as other creators; and
- ensures that it remains technologically neutral.

*Fair Dealing Guidelines:* The fair dealing provision in the *Copyright Act* permits the use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties.

*Materials intended for one-time use:* Workbooks and exercise books in which a student records answers. These are materials created and intended for each student to have his or her own copy.

*Reproducibles:* A reproducible is not intended for one-time use, but is sold or provided with the rights holder's authorization to reproduce it for educational use.

## ACTION REQUIRED:

On an annual basis:

- Communication about the Fair Dealing Guidelines and consumables will be made available to all schools and departments within the Board.
- Principals/Managers will make staff and students aware of the Fair Dealing Guidelines and the prohibition of copying consumables.
- All new staff will receive the Fair Dealing Guidelines as part of their new employee orientation package.
- The Fair Dealing Guidelines and consumables poster will be posted near every photocopier, scanner, print station and/or other device used to reproduce any copyright-protected material.

## PROGRESS INDICATORS:

Intended Outcome	Assessment
That all staff and students are made aware of HWDSB's obligations in accordance with the <i>Copyright Modernization Act</i> on an annual basis.	Attestations by Principals/Managers of the communication.



# Copyright / Fair Dealing

Date Approved: 2017

Projected Review Date: 2021

Page 3 of 3

## REFERENCES:

### **Government Documents**

Bill C-11: Copyright Modernization Act

Supreme Court of Canada Judgment – Alberta (Education) v. Canadian Copyright Licensing Agency (Access Copyright), 2012, SCC 37

Fair Dealing Guidelines - Council of Ministers of Education Canada (CMEC) Copyright Consortium

PPM 157: Use of Copyright-Protected Works for Education

### **HWDSB Policies**

Procurement

21<sup>st</sup> Century Learning and Technology