

	<b>POLICY NO: 1.3</b>
Adopted	2017, 2023
Projected Review Date	2027
Revisions	2023, 2025

## POLICY: COPYRIGHT/FAIR DEALING

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### 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.

### 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:

- 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, including workbooks and exercise books in which a student records answers. Copying consumables is prohibited.

**Copyright:** The Copyright Act generally defines 'copyright' as, "the sole right to produce or reproduce a work or any substantial part thereof in any material form, to perform the work or any substantial part thereof in public, or, if the work is unpublished, to publish the work or any substantial part thereof." Copyright relates to the legal protection of literary, dramatic, artistic, and musical works, sound recordings, performances, and communication signals.

**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.
- 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.

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:**

- HWDSB will communicate the Fair Dealing Guidelines to all school locations on an annual basis to ensure that all staff understand the obligations of the Board in accordance with the Copyright Modernization Act.
- Principals and managers will make staff and students aware of the Fair Dealing Guidelines and the prohibition of copying consumables.
- 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
All staff and students are made aware of HWDSB's obligations in accordance with the <i>Copyright Modernization Act</i> on an annual basis.	<ul style="list-style-type: none"> <li>• The presence of appropriate signage in schools and departments.</li> </ul>

### **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

[Fair Dealing Decision Toolkit](#)