

Administrative Procedure 190

COPYRIGHT

Background

The Division recognizes the rights of creators and expects staff members to be aware of and uphold these rights as required by the Copyright Act. The Division also recognizes the need for students to have access to a wide range of educational resources. Accordingly, there exists a need to clarify both the creator's and the user's rights with respect to use of copyright material.

Division staff members shall not duplicate, without the permission of copyright holders, print materials, computer software programs, video or audio materials that are protected by copyright; nor shall schools store or use duplicated materials that are in violation of copyright laws. The Division will not accept responsibility for any staff member who contravenes the Copyright Act or who copies materials, without permission of the author or publisher, which are excluded from the Access Copyright agreement.

Definitions

In this administrative procedure:

1. Copyright means the legal protection of a creator's original 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, communication by telecommunication, copying or converting to another medium without permission of the creator;
3. Works covered by copyright means all original literary, dramatic, musical and artistic works;

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, sculptures, works of artistic craftsmanship, engravings, architectural works of art, maps, plans, charts, records, cassettes, tapes, sound recordings, television programs, and electronic resources such as computer soft-ware, on-line programs, CD-ROMs, laser disks and computer stored on any media;

4. Dubbed off air means making a copy of any television program during broadcast.

Procedures

1. Works covered by copyright may only be reproduced by Division staff members with oral or written permission from the copyright owner or authorized agent or if they are



covered by the agreement entered into with Access Copyright on behalf of the Division by Alberta Education.

2. Print Resources

- 2.1 An individual may duplicate, for personal use only, a single copy of an article, short poem, or other work for private study or research;
- 2.2 If a staff member wishes to make multiple photocopies, the staff member shall:
 - 2.2.1 Determine copyright privileges granted by the publisher on the back of a book's title page or a magazine's table of contents page;
 - 2.2.2 Check the Access Copyright list of what is permitted or what is excluded;
 - 2.2.3 If the item is included in the exclusions list or is out of print, contact the copyright owner by telephone followed by a written request;
 - 2.2.4 If verbal permission to photocopy is granted, indicate the grantor; time and date on the letter of request;
 - 2.2.5 If a fee to reproduce materials is required, acquire permission from the principal or supervisor before proceeding with reproduction.

3. Video Resources

- 3.1 Television programs may only be dubbed off air with permission from the copyright owner. (ACCESS network's catalogue lists titles of videos that may be dubbed off air.);

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.
- 3.2 Only video programs and feature film rentals with public performance rights may be shown in schools. (A site license must first be obtained from the Canadian distributor).
- 3.3 Cable in the Classroom is a programming service providing access, free of charge, to a limited number of television programs for use on school premises. A monthly schedule of available programming is available on their Internet site: www.cableeducation.ca.

4. Electronic Resources

- 4.1 Electronic resources (computer software, CD-ROMs, on-line programs, electronic bulleting boards, freeware, shareware and computer programs stored on any media) may only be used as specified in the license agreement;



- 4.2 The Division will make every effort to purchase multiple copies of electronic resources or site licenses for electronic resources. (One back-up copy, adaptation, or translation of a computer program is permitted by law and does not require special permission from the copyright owner; school librarians may lend the original program but not the back-up copy.).
- 4.3 Where a work has been placed on the Internet with the message that it can be freely copied, there is an actual license to copy the work. Sometimes the terms of the license are subject to conditions.

5. Music Resources

- 5.1 Audio recordings may be played in schools if the public performance rights were purchased. (Audio recordings obtained from Canadian distributors include performance rights in the purchase price);
- 5.2 Musical works may be performed in the course of teaching and learning without obtaining permission from the copyright owner.
- 5.3 Where a work has been placed on the Internet with the message that it can be freely copied, there is an actual license to copy the work. Sometimes the terms of the license are subject to conditions.

6. Public Domain Resources

- 6.1 Works that are in the public domain may be reproduced without permission. Works become part of the public domain 50 years after the death of the creator except when the rights are passed to others. If the work is reprinted in a new edition, only the original text is in the public domain.

7. Ownership of Copyright

- 7.1 Pursuant to copyright law in Canada, the Division owns the copyright of any work developed by a staff member in the course of his or her employment;
 - 7.1.1 The Superintendent may grant others the right to reproduce work in whole or in part by the Division under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgement to the authors;
 - 7.1.2 The Superintendent may enter into an agreement with others to produce in whole or in part, a work for the Division. This agreement shall specifically address copyright of the work produced;
 - 7.1.3 The Division may market material at such a price as it sets;
 - 7.1.4 The Division may enter into an agreement with a private publisher to publish Division material for sale and distribution.
- 7.2 A staff member wishing to own or share copyright in a work produced, in whole or in part during the course of employment, shall notify the Superintendent in writing of the staff member's request for an agreement with the Division.
- 7.3 Students own the copyright on anything that they create, and parental permission to reproduce their work should be obtained if the student is under



18 years of age. Student permission is required if the student is 18 years of age. Permission is not required to display student work within the school.

7.3.1 Each school will request and file permissions from parents/guardians at the beginning of each school year to record and/or tape their child(ren) for possible performance;

7.3.2 Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, division office or shopping centers;

7.3.3 The copyright in photographs taken by students for school publications with equipment and supplies provided by the school are usually the property of the school.

8. Adherence to Copyright Law

8.1 Each principal shall ensure that reproduction equipment (photocopiers, computers and records) are labeled with warnings that reproduction is not permitted without permission from the copyright owner.

8.2 Copyright inservice shall be offered to all staff members, to ensure they are made aware of Copyright Law, the Access Copyright agreement, and this administrative procedure.

1.3 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 are passed.

1. Sample Copyright Information Labels

9.1 Photocopiers

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

9.2 Computers

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

9.3 Videocassette Recorders

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

Reference: Section 60, 61 School Act
Copyright Act,
Copyright Regulations,
Access Copyright Agreement

