Copyright F.A.Q.s

General

1. Do copyright laws apply to audio-visual material no longer on the market and can teachers transfer VHS titles into DVDs?
   If the VHS title is commercially available in DVD format, then you must purchase the DVD. If the VHS title is not commercially available in DVD format, then you can transfer it to DVD to maintain the collection.

2. Are there cases of school boards where teachers have been caught to be in violation of copyright laws and what happens to teachers/schools/school divisions in such cases?
   It is very rare for teachers, schools or school divisions to be legally charged with violation of copyright laws. Before going to court, there would be warnings, cease and desist orders and usually everything is done to avoid legal action. Having said that there was a case of a school board in Southern Ontario that was charged with extreme and prolonged copyright violation, (they copied whatever they wanted over a period of years despite warnings). They were prosecuted and fined $250,000.00 but this is an extreme case.

3. What are the different types of licenses for Creative Commons? Does the type influence how we cite?
   The Creative Commons (CC) website (http://creativecommns.org) has a list of licenses available with a description of each.

4. How do teacher-librarians prevent being the copyright police? In other words, how do teacher-librarians educate, rather than police?
   Copyright laws and policies are constantly changing as technology changes; it can be difficult to keep up with these changes. It is the responsibility of all SPS employees to educate each other about copyright compliance. Documents regarding copyright compliance for SPS are located on the Central Resource Centre portal at: http://spslearn.spsd.sk.ca/centraloffice/CRC/Staff%20Documents/Forms/AllItems.aspx.

5. What has happened to Access Copyright?
   Ministries of Education will still purchase Access Copyright licenses on behalf of school boards.
6. Can I buy an app and place on more than one device?
   No. Currently the laws under which mass distribution or volume purchasing is currently not available in Canada and therefore the rule “one app, one device” applies. Education does not fall under Home Use which allows sharing up to five devices.

Multimedia

7. Are videos on the Internet (i.e. YouTube) protected by copyright laws? What if teachers want to download to a DVD?
   With the introduction of Bill C-11, educators are allowed to share videos as long as they are: legally obtained, meet the conditions of Fair Dealing, measures are taken to prevent further distribution and only one copy is kept after the completion of the term. Generally, YouTube videos are not to be downloaded but teachers will need to check as there are some videos where this is allowed.

8. If a school library purchases an audio CD of a fiction title, can a dubbed copy be for circulation, keeping the original version in excellent condition as a backup?
   School libraries are allowed to make a backup copy provided it is created for backup purposes only and is used only if the source copy is lost damaged or unusable, (Bill C-11, section 29.29). Once a backup copy is used the original must be destroyed. Backup copies CANNOT be used for circulation in order to protect the source copy.

9. If a school subject department purchases DVDs without PPR (Public Performance Rights), how can PPR be enforced? Who will be held responsible?
   Education is now included under the umbrella of Fair Dealing allowing educators to show legally obtained DVDs. The showing and circulation of a DVD must be for educational purposes. NOT ALL activities within a school would be considered educational or instructional, for example, assemblies, school dances and sporting events are not considered to be educational.

10. Can a teacher download an ebook or iTunes into a digital dropbox or iCloud for student viewing/listening? What if a student downloads the material?
    Purchasing of apps are NOT allowed for mass distribution but must be purchased on 1:1 - one app = one device not 5. Those provisions fall under home use and Canada does not currently have a plan available to purchase Apple products (music, movies and apps) for more than one device.
11. **Can teachers or students use images or video clips without permission in a presentation?**

   Education is now included under the umbrella of Fair Dealing allowing educators to show images and clips provided that they are legally obtained and under the understanding that it meets the provisions defined by Fair Dealing. Fair Dealing provisions include:
   - The purpose of the dealing
   - The character of the dealing
   - The amount of the dealing
   - The alternatives to the dealing
   - The nature of the work
   - The effect of the dealing on the work

**User Generated Content (Bill C-11)**

29.21 (1) It is not an infringement of copyright for an individual to use an existing work or other subject-matter or copy of one, which has been published or otherwise made available to the public, in the creation of a new work or other subject-matter in which copyright subsists and for the individual — or, with the individual’s authorization, a member of their household — to use the new work or other subject-matter or to authorize an intermediary to disseminate it, if

   (a) the use of, or the authorization to disseminate, the new work or other subject-matter is done solely for non-commercial purposes;
   
   (b) the source — and, if given in the source, the name of the author, performer, maker or broadcaster — of the existing work or other subject-matter or copy of it are mentioned, if it is reasonable in the circumstances to do so;

   (c) the individual had reasonable grounds to believe that the existing work or other subject-matter or copy of it, as the case may be, was not infringing copyright; and

   (d) the use of, or the authorization to disseminate, the new work or other subject-matter does not have a substantial adverse effect, financial or otherwise, on the exploitation or potential exploitation of the existing work or other subject-matter — or copy of it — or on an existing or potential market for it, including that the new work or other subject-matter is not a substitute for the existing one.

12. **If someone taped a presentation of a guest speaker, can it be used later?**

   It can be used later if you get permission from the guest speaker.
13. Can someone create a recording of a book for students?
Yes, provided a commercially available format is unavailable and the purpose is to assist a designated student.

14. Can parts of movies be used in class?
Yes, education is now included under the umbrella of Fair Dealing allowing educators to show movies that are legally obtained for the purpose of instruction. For further explanations please refer to the Copyright section on the Techy Teacher blog.

15. Can teacher-librarians purchase videos (which would be a single site license) from a department store, such as Walmart?
Yes.

16. Can we share single site license videos to other schools?
When Bill C-11 is passed and part of legislation, education will fall under the umbrella of Fair Dealing and videos will be able to be legally shared.

17. Does Public Performance Rights (PPR) exist in schools now?
With the introduction of Bill C11, portions of PPR no longer exist for classroom teachers for educational purposes, as they can readily purchase DVDs and other video formats for instructional use.

Music

18. Can we import “popular” music into slideshows, such as PhotoStory? If we play only a fraction of the song, does this influence copyright?
Under User Generated Content (C-11 29.21), we can use materials to create provided our creations are non-commercial, cite the source, legally obtained, and do not have an adverse effect financial, or otherwise on the copyright owner.

19. Can the music teacher purchase music and then make multiple copies (i.e. three copies of 1st player trombone)?
Yes, Fair Dealing permits 10% of a work may be copied. If a teacher needs an extra trombone part, this would be permissible.
20. Can music now be attached to a multimedia presentation? Can the presentation be distributed?
This changes with Bill C11. Under User Generated Content (C-11 29.21), we can use materials provided our creations are non-commercial, cited properly, legally obtained, and do not have an adverse effect financial, or otherwise on the copyright owner.

21. Do we still need to purchase SOCAN for entertainment uses of recorded music?
Yes, the provisions have not changed.

Images

22. Can we import the cover and/or pages into a presentation? Does it matter if the presentation will only be available locally?
Under User Generated Content (C-11 29.21), we can use materials to create provided our creations are non-commercial, cite the source, legally obtained, and do not have an adverse effect financial, or otherwise on the copyright owner.

23. If I cite the images, music, etc. – is this enough?
Yes, materials used to create provided our creations are non-commercial, cite the source, legally obtained, and do not have an adverse effect financial, or otherwise on the copyright owner. Any resources used must always be cited. You must have obtained the images, music, etc. legally - since images are rarely purchased any images used should have a creative commons license. You no longer need to have permission provided you are following the guidelines set by Fair Dealing and User Generated Content.

24. What if literary characters are painted on library walls? Is this copyright infringement?
Yes, the format of a character’s image was altered to something that was not the original intent of the copyright owner. You must ask for permission from the copyright owner.

25. Can a book or part of a book be scanned, used in a presentation to be shown to the school if the author, illustrator and publisher are acknowledged? Could this same presentation then be uploaded to a school portal or blog for viewing?
The amount of what we can copy and scans is 10%. Education is now included under Fair Dealing allowing educators to use books and movies as long as any resources used were obtained legally and again follow the criteria set out by Fair Dealing. We would be allowed to share the product provided measures are taken to prevent further distribution.
### COMPARISON TABLE OF USA FAIR USE, CANADA BEFORE, & SOON TO BE TABLED

<table>
<thead>
<tr>
<th>Activity</th>
<th>United States</th>
<th>Canada (Then)</th>
<th>Canada (Soon/Now)</th>
</tr>
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<tbody>
<tr>
<td>&quot;DIGITAL DELIVERY OF INTERLIBRARY LOANS&quot;</td>
<td>&quot;A library can send an electronic copy of a journal article directly to the computer of a person requesting it, subject to limits on further copying and distribution.&quot;</td>
<td>&quot;Copies of journal articles can only be delivered in paper format. Electronic delivery requires permission and payment to the rights holder or a collective representing the rights holder.&quot;</td>
<td>Librarians will be allowed to digitize print material and then send a copy electronically to a library client through an interlibrary loan.</td>
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<tr>
<td>&quot;CLASSROOM USE OF FILMS &amp; VIDEOS&quot;</td>
<td>&quot;Educators can show films and videos in the classroom without payment or permission.&quot;</td>
<td>&quot;Showing films and videos in the classroom requires payment to rights holders.&quot;</td>
<td>The existing provisions that allow certain copyright material, such as a play, to be performed in the classroom will now be extended to allow teachers and students to watch legitimately acquired films and other audiovisual works.</td>
</tr>
<tr>
<td>&quot;FAIR DEALING FOR TEACHING&quot;</td>
<td>&quot;Fair use for the purpose of teaching permits the use of portions of any work, including a work on the Internet, and includes posting portions of a work on a restricted access Web site for students.&quot;</td>
<td>&quot;Fair dealing is not permitted for the purpose of teaching.&quot;</td>
<td>The Bill enables the use of copyrighted materials for the purpose of education, provided the use is &quot;fair&quot; (i.e., it does not harm the market for a work).</td>
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<tr>
<td>FAIR DEALING FOR PHOTOCOPYING</td>
<td>&quot;Making multiple copies of a work, including class sets, is fair use.&quot;</td>
<td>&quot;Making multiple copies of a work, including class sets, requires payment to rights holders represented by a collective. Revenues of this collective in 2003 were $26.9 million, most of which was paid by educational institutions.&quot;</td>
<td>&quot;The Bill enables the use of copyrighted materials for the purpose of education, provided the use is &quot;fair&quot; (i.e., it does not harm the market for a work). • an entire chapter that constitutes 20 per cent or less of a book • an entire single short story, play, essay, or poem from a book, • periodical, or anthology • an entire newspaper article or page • an entry from a reference work • an illustration or photograph from a publication containing other works • large-print material to accommodate the perceptually disabled, • published in Canada • in limited cases, as specified in the license, out-of-print books&quot;</td>
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Denotes addition and not taken from the Association of Universities and Colleges of Canada (AUCC)

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http://library.concordia.ca/help/copyright/canadauscopyright.pdf