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Trustees' Association

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July 26, 2017

**MEMORANDUM**

**TO:** Chairpersons and Directors of Education

**FROM:** Stephen Andrews, Director of Legislative and Political Affairs

**SUBJECT: Communications Materials to support School Principals  
re: Fair Dealings Guidelines**

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As you are aware, the Council of Ministers of Education has developed a range of communications materials and on-line resources to support school principals regarding what teachers can and cannot copy in the context of copyright law and the Fair Dealings guidelines.

Included with this memorandum are several attachments that you may want to share with your school principals to ensure they have access to those resources and communications materials to inform teachers about the Fair Dealings guidelines.

If you have any questions, please do not hesitate to contact Stephen Andrews at [sandrews@ocsta.on.ca](mailto:sandrews@ocsta.on.ca).

*Attachments*

*[Cover note to principals – to be used as email cover and/or forwarded as a file to be printed off. In latter case, this letter can be placed on letterhead.]*

Dear School Principal,

Ministries/departments of education across Canada are striving to ensure that all schools have the latest information about copyright law. This letter comes with the request that you make a short presentation on copyright to your teaching staff early in the coming school year.

The Copyright Consortium of the Council of Ministers of Education, Canada (CMEC), has developed an on-line resource to help teachers decide whether an intended use of a copyright-protected work in the classroom is fair dealing. This new resource can be viewed at: [www.CopyrightDecisionTool.ca](http://www.CopyrightDecisionTool.ca).

The new copyright Web site features a copyright decision tool that allows teachers to quickly determine whether a specific use of a copyright-protected work in their lessons is permitted under the fair-dealing provision of the *Copyright Act* and that, consequently, copyright permission is not required. This Web site also provides an overview of the *Fair Dealing Guidelines* as well as other important copyright information.

Teachers need to know that copyright rules for educators have changed significantly in recent years. While teachers have new opportunities to use copyright-protected materials in their lessons, they also have responsibilities. There are limits to what can be copied and communicated in the classroom. Failure to comply with copyright law can result in a teacher, school, or school board being sued for copyright infringement.

**Principals are asked to:**

- feature the copyright Web site at a staff meeting and to encourage all teachers and staff to bookmark and start using this resource as questions about copyright come up.
- place two copyright posters at copiers throughout the school. One poster sets out the *Fair Dealing Guidelines*, and the other prohibits the copying of materials intended for one-time use (consumables), such as workbooks; and
- post the attached notice regarding available copyright reference resources in the staff room and/or main office.

**This digital information package includes:**

1. suggested speaking points for the copyright presentation to staff (for personal use);
2. two copyright-related posters (mentioned above);
3. a bulletin-board notice (mentioned above); and
4. a postcard featuring [www.CopyrightDecisionTool.ca](http://www.CopyrightDecisionTool.ca) to be forwarded to teachers.

Printed copies of items 2 to 4 were distributed to schools during the 2016–17 school year.

[Salutation and signature]

Enc.

## **COPYRIGHT AND THE USE OF FAIR DEALING IN THE CLASSROOM**

### **Introducing the subject**

- This is a brief 10-minute presentation on fair dealing—a provision in the *Copyright Act* that is very important for teachers to understand. Seemingly innocent actions such as preparing lessons for classroom use could result in a costly lawsuit against individual teachers, this school, and the school board.

### **Changes to copyright**

- In 2012, Canada's copyright law as it concerns fair dealing was changed to give teachers new rights to use copyrighted-protected works in their class lessons.
- While fair dealing provides teachers with new opportunities to use copyright-protected materials in their lessons without obtaining permission from the copyright owner, teachers also have important responsibilities.
- Teachers need to know the limits to what can be copied and communicated in the classroom under fair dealing.
- Teachers' limits and responsibilities are described in the *Fair Dealing Guidelines*.
- Failure to know and respect the *Fair Dealing Guidelines* could result in a teacher, school, or school board being sued for copyright infringement.

### **Copyright video**

- Here is a short video that sums up the key elements of copyright that teachers need to know.
- PLAY VIDEO (Approx. 5 min.): <https://vimeo.com/72374059>.

### **Fair-dealing posters**

- Following the *Fair Dealing Guidelines* is most important. Teachers can copy and use materials that fall within these guidelines.
- SHOW TWO (2) POSTERS – the *Fair Dealing Guidelines* and the Consumables posters (electronic files attached/print copies were circulated over the 2016–17 school year).
- These posters are placed at copy machines around the school to reference the *Fair Dealing Guidelines* and as a reminder that copying consumables is not allowed. These should be familiar....

### **Fair-dealing Web site**

- The Copyright Consortium of the Council of Ministers of Education, Canada (CMEC), has developed an on-line resource to help teachers decide whether an intended use of a copyright-protected work in the classroom is fair dealing.
- The new copyright Web site features a copyright decision tool that allows teachers to quickly determine whether a specific use of a copyright-protected work is permitted under fair dealing and that consequently copyright permission is not required. This site also provides essential information on the *Fair Dealing Guidelines* as well as other important copyright information.
- SHOW WEB SITE: [www.CopyrightDecisionTool.ca](http://www.CopyrightDecisionTool.ca)  
(Suggestion: Click through one example, such as a teacher wanting to copy a single chapter from a book.)
- ASK TEACHERS TO BOOKMARK THIS WEB SITE AND TO START USING IT.

### **Conclusion**

- *Why are we taking the time to talk about copyright today?* It's really important for teachers to know what they can and cannot do under the fair-dealing provisions of the *Copyright Act*. Teachers need to know and respect the limits laid out in the *Fair Dealing Guidelines*.
- If you have questions about whether an intended use of a copyright-protected work falls within the *Fair Dealing Guidelines*, contact me. Likewise, if permission to use copyright-protected materials is required, contact me to complete the necessary permission request before the materials are used.



# WARNING

## DO NOT COPY WORKBOOKS OR OTHER CONSUMABLES

Copying, scanning, or printing materials intended for one-time use is strictly prohibited.

“Materials intended for one-time use” are workbooks and exercise books into which a student records answers. These are materials created and intended for each student to have his or her own copy. Once a student completes the answers, these materials are of no use to another student.

Any copying from materials intended for one-time use exposes the person making the copy, the teacher, the school, and the school board to liability for copyright infringement.

**This prohibition does not apply to 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.



# Copyright Reference Materials

## for Principals, Teachers, and School Staff



Canada's copyright law has changed with respect to what teachers can use in their class lessons. Although these changes offer greater latitude to use copyright-protected works, principals, teachers, and school staff must be aware of the *Fair Dealing Guidelines* to avoid the risk of copyright infringement.

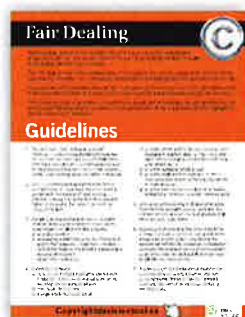
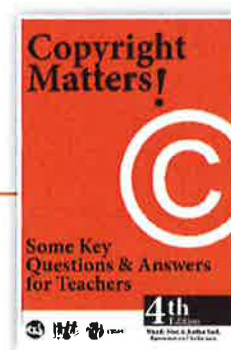
To help teachers and school staff better understand and comply with the copyright law, the important reference materials on education and copyright listed below are available on-line:



**Copyrightdecisiontool.ca Web site**  
(teachers' resource for copyright Q&As)

**Copyright Matters!**

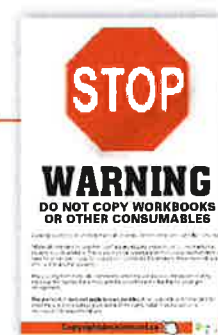
(a revised edition that every teacher and all school staff should have)



**Fair Dealing Guidelines poster**  
(copyright guidelines to post throughout the school)

**Consumables poster**

(copyright rights/limits on the use of consumable materials)



**"Dealing Fairly with Copyright-Protected Works of Others"**  
(a short on-line presentation)

Teachers and school staff are asked to take the time (approximately 15 minutes) to review this on-line copyright information.

**Copyrightdecisiontool.ca**





**Teachers, are you unsure  
about copyright rules?**



Find the answers at **CopyrightDecisionTool.ca**



Teachers must know what they can and cannot do with the copyright-protected works of others under the fair-dealing provisions of the *Copyright Act*. There are limits to what can be copied and communicated in the classroom without first getting copyright permission. Teachers need to adhere to the *Fair Dealing Guidelines*. Use the Copyright Decision Tool to understand whether or not your copying falls within the *Fair Dealing Guidelines*.



***Know your rights and know  
your limits under fair dealing!***

Find the answers at **CopyrightDecisionTool.ca**



Produced by the Copyright Consortium of the Council of Ministers of Education, Canada (CMEC) – [www.cmec.ca/copyrightinfo](http://www.cmec.ca/copyrightinfo).

**cmec**

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ministres  
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