## **Administrative Procedure**



Section:	School Administration
Title:	Copyright Act and Cancopy License

The Board of Education will establish guidelines that respect provisions under the *Copyright Act* and the CANCOPY License.

### **Copyright Act**

Under the Copyright Act, everyone may copy as follows:

- Portions of work for private study, research, criticism, review or news reporting.
- Insubstantial parts of any work, unless the part is highly significant or valuable.
- Works whose author(s) died more than 50 years ago (but not recent translations or annotations of such a work).
- Any work with the permission of the copyright owner (including the text of federal and Ontario statutes, regulations and court decisions).

#### **CANCOPY License**

CANCOPY is a five-year licensing agreement, effective September 1, 1999, between the Ministry of Education and the Canadian Copyright Licensing Agency, which provides for reproductive copying rights for published resources for educators and administrators in the publicly funded K-12 school system. Under the CANCOPY license, educators may copy as follows:

- Excerpts of up to 10% of books, journals, magazines and newspapers.
- The 10% limit may be exceeded if required to copy:
  - an entire chapter that comprises 20% or less of a book;
  - an entire short story, play, essay or poem from an anthology;
  - a newspaper, magazine, or journal article;
  - an entry from a reference work;
  - an illustration or photograph from a publication containing other works;
  - material to accommodate the perceptually disabled, published in Canada;
  - in limited circumstances specified in the license, out-of-print books.

The author and source must appear on at least one page of the copies.

The license applies only to works published in Canada, Australia, Denmark, France, Germany, Iceland, Ireland, Italy, Liechtenstein, Malta, the Netherlands, New Zealand, Norway, South Africa, Spain, Switzerland, the United Kingdom or the United States.

The license includes the right to make class sets, as well as copies for administration, communication with parents and library use.

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There can be no systematic, cumulative copying from the same published work beyond the above limits.

There can be no copying of excerpts from more than 3 sources, together totaling more than 19 pages, for inclusion in a course pack that replaces a published work.

Digital copies may be made by word processor, fax or digital copier, but only for the purposes of making a paper copy.

Under the license, copying is not permissible as follows:

- Published work cards, assignment sheets, tests, examination papers, and material designed for one-time use (i.e. workbooks and activity books).
- Instruction manuals and teachers' guides.
- Government publications, except for those of the Government of Quebec.
- Print music.
- The license does not cover the reproduction of materials created using digital technology.

#### **Copyright Exceptions**

Off-Air Taping

News and news commentary programs can be copied and used without charge in the classroom for a period of one year, after which they must be erased or a fee paid for each use.

All other programs can be taped and evaluated, but not used, without charge for a period of 30 days, after which they must be erased or a fee paid.

Schools are required to maintain information relating to the making, erasing, performing and marking of the copy by completing the Off-Air Taping of Radio and Television Programs form.

### Compliance

School districts and schools must post a notice or sign in the vicinity of every photocopying machine located on their premise, which describes the type of copying activity permissible under the license. A copy of the notice can be obtained from the Coordinator for Copyright and Contract Matters, Curriculum Branch at (250)387-4560.

A Request to Copy Out-Of-Print Material can be made to CANCOPY to make copies in excess of copying permitted under the CANCOPY license in accordance with Section 5.5 of the CANCOPY agreement. For example, copying:

- Rare or fragile materials for preservation;
- Damaged or missing pages;
- Out-of-print works;
- Work cards, assignment sheets and tests.

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For further information, contact CANCOPY, Phone 1-800-893-5777; Fax (416)868-1621; email schools@cancopy.com or the Ministry of Education, Phone (250)356-2677; Fax (250) 387-1527.

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