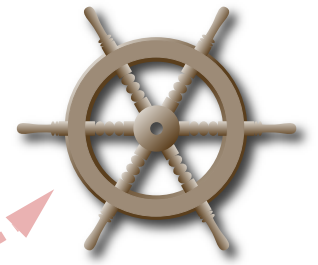


Charting Your Course FOR PROFESSIONAL DEVELOPMENT



Copyright and Fair Dealing for Teachers

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Teachers and students today have greater opportunities for learning as a result of a Supreme Court of Canada decision in 2012 which clarified what fair dealing means in the classroom. Canada's copyright law supports learning, fosters innovation, and drives knowledge creation by providing teachers and students with the legal right to deal fairly with the copyright-protected works of others.

It is important for teachers to have a working knowledge of "fair dealing." Fair dealing permits teachers to communicate or use "short excerpts" from copyright-protected works for students in their classes without seeking permission from the copyright owner or paying copyright royalties. This is the case provided the dealing is for an educational purpose and the dealing is fair.

To ensure compliance with copyright law, the education community in Canada has established the *Fair Dealing Guidelines* to help educators determine what is "fair." The Fair Dealing Guidelines describe a safe harbour, not absolute limits. Copying or communicating a copyright-protected work within the prescribed limits will, according to the advice of legal counsel, almost certainly be fair. Copying or communicating beyond those limits may, or may not, be fair.

For practical reasons, the *Fair Dealing Guidelines* have a description of "short excerpts" based on decisions of the Supreme Court of Canada. Guideline 4 describes the quantitative limits of the safe harbour:

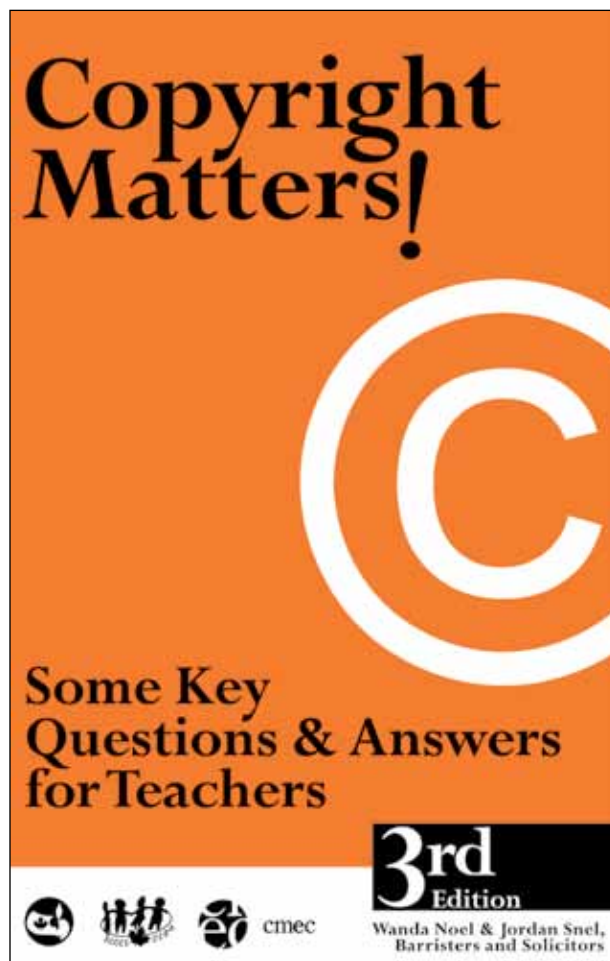
- up to 10 per cent of a copyright-protected work
- one chapter from a book
- a single article from a periodical
- an entire artistic work from a copyright-protected work containing other artistic works
- an entire newspaper article or page
- an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
- an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work

The *Fair Dealing Guidelines* inform educators about their rights—as well as their obligations. For example, the guidelines prohibit systematic copying that cumulatively results in copying beyond the quantitative limits in the guidelines.

Throughout Canada, copyright is respected by teachers, school boards, and government ministries and departments. Respect for copyright is taught in schools. As responsible stewards of copyright and education, teachers understand the importance of complying with the *Copyright Act* and being aware of their rights and responsibilities when they use the copyright protected works of others.

To learn more about copyright and fair dealing, teachers are encouraged to visit the new on-line resource: the Copyright Decision Tool @ www.CopyrightDecisionTool.ca. Here, teachers have, at their fingertips, the information they need to

decide if a particular use of a short excerpt is fair or not. All teachers need to be aware of their rights – and their limits – when relying on fair dealing in their classrooms.



The Copyright Resource for Teachers: Copyright Decision Tool

There is a new on-line resource to help teachers determine whether copyright permission is required to use short excerpts from copyright-protected materials in their classrooms.

This new resource—www.CopyrightDecisionTool.ca—helps teachers decide with a few clicks whether the fair dealing provision in the *Copyright Act* permits copying of short excerpts from print materials, artistic works, or audiovisual materials for students without having to get copyright

permission.

So, the next time you wonder, "Can I use this in the classroom? Can I copy it?" the answer is at your fingertips! It takes 30 seconds on CopyrightDecisionTool.ca to have your copyright questions answered. By clicking through this user-friendly resource, teachers will know whether the use of the copyright-protected materials they wish to use with the students in their classrooms is considered "fair."

The new website informs teachers about their rights and obligations when they use copyright-protected works of others. It will ensure they better understand the law and the application of the *Fair Dealing Guidelines*. On the Web site, there are other important copyright resources all teachers should become familiar with:

- *Copyright Matters!*, "the orange book," that provides key questions and answers on copyright law and education
- The instructive video *Dealing Fairly with Copyright-Protected Works of Others*
- The *Fair Dealing Guidelines*
- The poster prohibiting the copying of consumables.

All of these resources can be printed from the website.

Canadian educators are responsible stewards of copyright and education, and understand the importance of respecting the rights of copyright owners and complying with copyright law. Copyright is respected by teachers, school boards, and government ministries and departments across the country. Respect for copyright is taught in schools.

CopyrightDecisionTool.ca is yet another helpful resource to keep teachers on the right side of the law. It is important for teachers to know their rights under Canada's copyright law – and it is very important for them to know their limits. When in doubt about whether a use is fair dealing, use the Copyright Decision Tool.

Visit (and bookmark!): www.CopyrightDecisionTool.ca