



Background

The Canadian Copyright Act is federal legislation designed to protect intellectual property. The division has a statutory and ethical responsibility to respect legitimate copyright claims of creative contributors and their publishers and distributors.

In 1993, Alberta Education entered into an agreement with the Canadian Reprography Collection which allows teachers of participating authorities to reproduce certain print material for classroom use in accordance with the terms of the License. Any employee who willfully and knowingly contravenes the *Copyright Act* or copies material without permission of the author or publisher who are excluded from the Can Copy Agreement will be fully responsible.

Procedures

1. The principal and the school staff must make themselves aware of the *Copyright Act* and the terms of the Can Copy License.
2. Employees of the division shall not duplicate, without the permission of copyright holders, print materials, computer software programs, video or audio materials that are protected by copyright. Works covered by copyright may only be reproduced with the oral or written permission from the copyright owner or authorized agent. Forms for this purpose are included in the Forms Manual.
3. If verbal permission to photocopy, or use, copyright material is granted, indicate the name of the grantor, time and date on the copy of the letter of request. If verbal permission is granted, materials may be used immediately.
4. Where a fee is required to reproduce materials covered by copyright, the staff member will obtain permission from the principal prior to proceeding with duplication.
5. The principal shall ensure that the school will not store, or permit the use of, duplicated or copied materials that are in violation of copyright laws.



6. Funds will be allocated in the annual budget for the provision of learning resources and for the payment of copyright permission.
7. The following procedures shall be followed when dealing with print resources:
 - 7.1 An individual may reproduce, for personal study only, a single copy of an article, poem, or of a work for private study, research, criticism, review or newspaper summary.
 - 7.2 If a staff member wishes to photocopy one copy for school library use, the employee shall obtain copyright permission.
 - 7.3 If a staff member wishes to make multiple photocopies of an item, the staff member shall ascertain whether copying privileges have been granted by the author and/or publisher; or whether the author and/or publisher are participants in the Can Copy License; or whether permission (verbal and written) is required from the author and/or publisher.
8. The following procedures shall guide the use of video resources:
 - 8.1 Television programs may only be dubbed off-air with permission from the copyright owner.

Staff members should check the ACCESS NETWORK catalogue for titles of videos that may be dubbed off-air.
 - 8.2 Only video programs and feature film rentals with public performance rights may be shown in schools or at board functions.

Videos purchased or rented from video stores and American companies may be shown in schools or at board functions if a site license that covers these titles has been obtained from the Canadian distributor.

 - 8.2.1 Alberta Education purchases provincial duplication rights, which include a public performance license, for certain video programs available through ACCESS NETWORK.



9. The following procedures shall be followed when dealing with electronic resources:
 - 9.1 Electronic resources such as computer software, CD-ROM's, on-line programs, electronic bulletin boards, freeware, shareware, and computer programs stored on any media may only be used according to conditions specified on the site or jurisdictional license.

The board will make every effort to purchase multiple copies of electronic resources or to purchase site or jurisdictional licenses for electronic resources.
 - 9.2 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.

Schools may only lend the original program, not the back-up copy.
 - 9.3 Electronic documents, including musical recordings shall only be downloaded via the internet and used according to the license granted by the copyright owner.

10. The following procedures shall guide the use of music resources:
 - 10.1 A record or audiocassette may be played on sound equipment in school, if the public performance rights were purchased.

Sound recordings obtained from Canadian distributors always include public performance rights in the purchase price.
 - 10.2 A musical work may be performed by students and teachers in the course of teaching without obtaining permission from the copyright owner.

11. Employees may reproduce works that are in the "Public Domain."

If a work is in the "public domain," it means that reproduction is allowed without requesting permission. Fifty years after the death of a creator, a work becomes part of the "public domain," except when rights are passed to others. If the work is reprinted in a new edition, only the original text is in the "public domain."



12. Ownership of Copyright

12.1 The board owns copyright on any works produced by any employee in the course of his/her employment.

12.1.1 The superintendent may grant others the right to reproduce work copyrighted by the board under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgment to the author

12.1.2 The superintendent may enter into an agreement with others to produce, in part or in whole, a work for the board. This agreement shall specifically address copyright of the work produced.

12.1.3 The board may market board material at a cost that shall cover printing, mailing and royalty.

12.1.4 The board may enter into an agreement with a private publisher to publish board material for sale and distribution.

12.1.5 If the board markets a resource profitably, it may choose to compensate the creative employee.

12.2 Students own the copyright on anything that they create and parental permission is required to display and share student work if the student is under the age of 16. Student permission is required if the student is 16 or over. Permission is not required to display student work within the school.

12.2.1 Each school will request and file permission from parents at the beginning of each school year to record and/or tape their child(ren) for possible performance.

12.2.2 Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, central office or shopping centres.

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



13. Adherence to Copyright Law

Board employees will not be required by their supervisors to perform any service that is a violation of the copyright policy.

- 13.1 All videocassette players, photocopiers, and computers should be labelled to identify clearly what constitutes copyright infringement.
- 13.2 Copyright in-service sessions should be offered to all employees, to ensure they are made aware of Copyright Law, the CanCopy license, and the copyright procedures.
- 13.3 The Board may appoint a committee to review the copyright policy periodically and will continue to provide updated information to all schools. These procedures will be reviewed as necessary and rewritten when amendments to the current *Copyright Act* are passed.