

Title	COPYRIGHT AND FAIR DEALING GUIDELINES	Procedure No.	2028a
Department	Director's Services		
Reference(s)	– <i>Copyright Act</i> – <i>Copyright Modernization Act</i> – Fair Dealing Guidelines – Council of Ministers of Education Canada (CMEC) Copyright Consortium (2012)	Effective Date	2013 Oct. 8

1.0 Background

The fair dealing provisions in the *Copyright Act* (as amended by the *Copyright Modernization Act*), permit use of copyright-protected works by educational institutions without permission from the copyright owners or the payment of copyright royalties, so long as certain criteria apply.

Both applicable legislation and the common law (i.e. court decisions) have provided and will continue to provide guidance on what circumstances and criteria must apply in order to allow an educational institution to use copyright-protected works without permission from the copyright owners or the payment of copyright royalties. The following guidelines are intended to ensure that the Thames Valley District School Board (the "**Board**") is instituting reasonable safeguards for the owners of copyright-protected works in accordance with current legislation and common law. Both legislation and common law are subject to change. Accordingly, the following guidelines may be amended, from time to time, to keep pace with such changes.

2.0 Guidelines

- 2.1 Board and staff volunteers may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire and parody.
- 2.2 Copying or communicating short excerpts from a copyright-protected work under these Fair Dealing Guidelines for the purpose of news reporting, criticism or review should mention the source and, if given in the source, the name of the author or creator of the work.

Copyright and Fair Dealing Guidelines (cont'd)

- 2.3 A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
 - 2.3.1 as a class handout;
 - 2.3.2 as a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution; or
 - 2.3.3 as part of a course pack.
- 2.4 A short excerpt means:
 - 2.4.1 up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work);
 - 2.4.2 one chapter from a book;
 - 2.4.3 a single article from a periodical;
 - 2.4.4 an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works;
 - 2.4.5 an entire newspaper article or page;
 - 2.4.6 an entire single poem or musical score from a copyright-protected work containing other poems or musical scores; or
 - 2.4.7 an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work.
- 2.5 Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
- 2.6 Any intended copying or communicating which is expected to exceed the limits set out above shall be referred to your immediate supervisor/principal for evaluation, and no such copying or communicating shall proceed without the express written permission of the Manager of Public Affairs and Community Relations. An evaluation of whether the proposed copying or communication will be permitted under fair dealing will be made based on all relevant circumstances.
- 2.7 Any fee charged by the Board (if at all), for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the Board, including overhead costs.