

## Administrative Procedure 116

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# COPYRIGHT

## 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 Reporgraph Collective 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 who 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 be made aware of the Copyright Act and the terms of the Can Copy Agreement.
2. Employees of the division shall not duplicate, without permission of the copyright holders, print materials, computer software programs, video or audio materials that are protected by copyright. Works covered by copyright may only be reproduced by divisional employees with the oral or written permission from the copyright owner or authorized agent. Forms for this purpose are included in the Forms Manual.
3. The school shall not store, or permit the use of, duplicated or copied materials that are in violation of copyright laws.
4. Print Resources:
  - 4.1 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.
  - 4.2 If an employee wishes to photocopy one copy for school library use, the employee shall obtain copyright permission.
  - 4.3 If an employee wishes to make multiple photocopies of an item, the employee 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.

- 4.4 If permission is required, the employee should contact the copyright owner by telephone first, then follow with a letter for permission to copy. Forms for this purpose are included in the Forms Manual.
  - 4.5 If verbal permission is given to copy material is granted, please indicate the grantor, time and date on the copy of the letter of request for permission to copy.
  - 4.6 If a fee to reproduce materials is required, please confirm arrangements with the Principal prior to copying.
5. Video Resources:
- 5.1 Television programs may only be dubbed off-air with permission from the copyright owner. Employees should check the ACCESS NETWORK catalogue for titles of videos that may be dubbed off-air.
  - 5.2 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.
  - 5.3 Alberta Education purchases provincial duplication rights, which include a public performance license, for certain video programs available through ACCESS NETWORK and the Instructional Materials Centre. (IMC)
  - 5.4 Preview requests may be submitted by Board employees to the IMC for any video/film titles for central office or classroom use. If recommended for purchase, these videos/films would include a public performance rights license.
6. Electronic Resources:
- 6.1 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.
  - 6.2 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 (school libraries) may only lend the original program, not the back-up copy.
7. Music Resources:
- 7.1 A record or audio cassette 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.
  - 7.2 Musical works may be performed by students and teachers in the course of teaching without obtaining permission from the copyright owner.

8. 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 year 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”.
9. Ownership of Copyright:
  - 9.1 Employees own the copyright on works they develop on their own initiative and on their own time even though the materials may be the result of ideas generated by the employee’s work.
  - 9.2 The Board owns the copyright on work developed by an employee on the division’s time or as part of his/her duties with the Board.
    - 9.2.1 All works produced by an employee in the course of his/her employment shall be stored within the division, on division or division approved equipment, and shall not be kept permanently on individual or personal devices or accounts.
    - 9.2.2 Employees who leave the employ of the Board will ensure that all works produced as per 9.2 will be removed from individual or personal devices or accounts and returned to the division.
  - 9.3 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 acknowledgement to the authors.
  - 9.4 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.
  - 9.5 The Board may market Board material at a cost that shall cover printing, mailing and royalty.
  - 9.6 The Board may enter into an agreement with a private publisher to publish Board material for sale and distribution.
  - 9.7 If the Board markets a resource profitably, it may choose to compensate the creative employee.
  - 9.8 Students own the copyright on anything that they create and parental permission to reproduce their work should be obtained if the student is under 18. Student permission is required if the student is 18 or over. Permission is not required to display student work within the school.
    - 9.8.1 Each school will request and file permission forms from parents at the beginning of each school year to record and/or tape their child(ren) for possible performance. A sample permission form is included in the Forms Manual.
    - 9.8.2 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.

- 9.8.3 The copyright of photographs taken by students for school publications with equipment and supplies provided by the school is usually the property of the school.
10. Board employees will not be required by their supervisors to perform any service that is a violation of the copyright policy.
- 10.1 All videocassette players, photocopiers and computers shall be labeled to identify clearly what constitutes copyright infringement.
- 10.2 Copyright in-service sessions should be offered to all employees, to ensure they are made aware of *Copyright Law*, the *Can Copy License* and the Administrative Procedures dealing with copyright.

**Legal References:**        *School Act, Section 60*  
                                  *Copyright Act*  
                                  *Copyright Regulations*  
                                  *CanCopy Agreement*