

<p>ELK ISLAND CATHOLIC S.R.D. NO. 41</p> <p>LEGAL REFERENCES: <i>Copyright Act</i></p> <p>CROSS REFERENCE: CA, School - Based Leadership, Copyright Matters - Canadian School Boards Association</p>	<p>CODE: EGAA-Policy</p> <p>TITLE: Copyright</p> <p>ADOPTION DATE: February 7, 2001</p> <p>REVISION DATE:</p>
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The Board shall not assume the liability for the actions of employees who violate the *Copyright Act* in the event of litigation resulting from copyright violation. Employees shall not duplicate, without the permission of copyright holders, print materials, computer software programs, video or audio materials that are protected by copyright; nor shall schools store or use duplicated materials that are in violation of copyright laws.

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1. "Copyright" means the legal protection of a creator's original work. Copyright law does not protect ideas, only the form in which they are expressed.
2. "Copyright infringement" means publishing, adapting, exhibiting, translating, editing, performing in public, communicating by telecommunication, copying or converting to another medium without permission of the creator.
3. "Works covered by copyright" means all original literary, dramatic, musical and artistic works.
4. Examples include: books, writing, encyclopedias, photographs, films, dictionaries, statistical data, newspapers, reviews, magazines, translations, tables, compilations, examination questions, speeches set down in writing, any piece that can be recited, choreographs, harmony, melody, lyrics, paintings, drawings, sculptures, works of artistic craftsmanship, engravings, architectural works of art, maps, plans, charts, records, cassettes, tapes, sound recordings, television programs and electronic resources such as computer software, on-line programs, CD-ROMs, laser disks and

computer programs stored on any media.

5. "Dubbed off-air" means making a copy of any television program during broadcast.
6. Employees shall not contravene the copyright law by illegally copying or duplicating texts, workbooks, periodical materials and/or musical works, printed or recorded. Works covered by copyright may only be reproduced by Division employees with oral or written permission from the copyright owner or authorized agent.

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1. Print Resources--An employee may duplicate, for personal use only, a single copy of an article, short poem or other work for private study or research. If an employee wishes to make multiple photocopies, the employee shall:
 - 1.1 Determine copyright privileges granted by the publisher on the back of a book's title page or a magazine's table of contents page;
 - 1.2 Contact the copyright owner by telephone followed by a written request;
 - 1.3 If verbal permission to photocopy is granted, indicate the grantor, time and date on the letter of request; and
 - 1.4 If a fee to reproduce materials is required, acquire permission from the site administrator before proceeding with reproduction.
2. Video Resources
 - 2.1 Television programs may only be dubbed off-air with permission from the copyright owner. (ACCESS Network's catalogue lists titles of videos that may be dubbed off-air.)
 - 2.2 Only video programs and feature film rentals with public performance rights may be shown in schools. (A site license must first be obtained from the Canadian distributor.)

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3. Electronic Resources

- 3.1 Electronic resources (computer software, CD-ROMs, on-line programs, electronic bulletin boards, freeware, shareware and computer programs stored on any media) may only be used as specified in the license agreement.
- 3.2 The Board will make every effort to purchase multiple copies of electronic resources or site licenses for electronic resources. (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; school librarians may lend the original program but not the back-up copy.)

4. Music Resources

- 4.1 Audio recordings may be played in schools if the public performance rights were purchased. (Audio recordings obtained from Canadian distributors include public performance rights in the purchase price.)
- 4.2 Musical works may be performed in the course of teaching and learning without obtaining permission from the copyright owner. Public performance of such works is governed by copyright.

5. Public Domain Resources

Works that are in the "public domain" may be reproduced without permission. Works become part of the "public domain" 50 years after the death of the creator except when the rights are passed to others.

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6. Ownership of Copyright--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. The Board owns the copyright on work developed by an employee on the Board's time or as part of their duties with the Board. The Board owns copyright on all electronic works developed by employees.
 - 6.1 The Board may copyright any works produced at the direction of the Board.
 - 6.2 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;
 - 6.3 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;
 - 6.4 The Board may market Board material at a cost that shall cover printing, mailing and royalty;
 - 6.5 The Board may enter into an agreement with a private publisher to publish Board material for sale and distribution; and
 - 6.6 If the Board markets a resource profitably, it may compensate the creative employee.

7. 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.

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- 7.1 Each school will request and file permissions from parents/guardians at the beginning of each school year to record and/or tape their child(ren) for possible performance. A sample parental permission form is included in Exhibit 1;
 - 7.2 Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, central office, Division Website or shopping centres; and
 - 7.3 The copyright in photographs taken by students for school publications with equipment and supplies provided by the school are usually the property of the school.
8. Each site-based administrator shall ensure that reproduction equipment (photocopiers, computers and records) is labelled with warnings that reproduction is not permitted without permission from the copyright owner.

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SAMPLE "GENERAL" COPYRIGHT RELEASE PERMISSION FORM

A form letter such as the following may be used to request blanket permission to photocopy articles from magazines such as Time, Maclean's, Saturday Night, for use in the school library pamphlet file.

Dear

Our junior high school consists of 450 students, ranging in age from 11 to 14, and 25 teachers. We teach a broad curricula, and our subjects cover many topics. I am asking permission to reproduce one copy of curriculum-related items from (title of journal/newspaper) for use in our school's pamphlet file. These items will be filed by subject area and be accessible to all staff and students for use during their research activities. Each item derived from your (magazine, newspaper, etc.) will be credited.

Thank you for considering this request.

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SAMPLE "SPECIFIC" COPYRIGHT RELEASE PERMISSION FOR

(date)

(name and address of publisher
from whom permission is sought)

Dear Sir/Madam:

Re: Request for Permission to Reproduce Material

As discussed, I am confirming your permission to photocopy a class set (35 copies) of the article, "Facing World Hunger" by Norman Basan, Canada and The World, September 10, 1991.

Enclosed are two copies of the Copyright Permission Form providing particulars regarding the materials to be reproduced. Please return one signed copy of the form and keep one for your reference.

If permission is granted, I undertake to ensure that any reproduction of the work is carried out in accordance with the particulars provided on the attached form, and that a notice of copyright is included with each copy.

If, in fact, you do not have the authority to grant permission to reprint the work in question, would you please forward this request to the appropriate person.

Thank you for your assistance.

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LEGAL REFERENCES: *Copyright Act*

CROSS REFERENCE: CA, School - Based
Leadership, Copyright Matters - Canadian
School Boards Association

CODE: EGAA-Exhibit 3

TITLE: Copyright

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COPYRIGHT PERMISSION FORM

School: _____ Teacher: _____
Address: _____

Permission is requested to reproduce the following copyrighted material(s):

Title of work: _____
Author(s): _____ Publisher: _____
© Date: _____ Edition: _____ ISBN: _____
Page Number (s): _____ Other: _____
Total Number of Photocopies to be Made: _____
Date Required: _____ Duration of Permission: _____

Format Modification/Translation

Language _____
_____ Braille _____ Audiotape _____ Large Print _____
_____ Excerpts or Adaptation (see attachment)
Other _____

Use of Materials

_____ Classroom Use (specify) _____ Course: _____
_____ Special Circumstances (e.g., class newsletter, etc.) _____

Copyright Owner

Permission is hereby granted to _____ of _____ school to photocopy the material as specified above.

Credit Statement: _____

Under the Following Conditions: _____

Authorized by: _____ Position: _____

Company: _____ Date: _____

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SAMPLE PARENTAL PERMISSION FORM

Permission is granted to _____ school on behalf of my child(ren) _____ to (please check appropriate box):

- record, photograph, or tape my child(ren) and print their names;
- display any of my child(ren's) works; and
- reproduce any of my child(ren's) work

for non-profit, educational purposes. I understand the production(s)/work(s) may be shown at educational displays during open house, inservice sessions and other school-related activities or used in a school newsletter or other school publication.

Signed this _____ day of _____, AD, _____

Parent/Guardian

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SAMPLE COPYRIGHT INFORMATION LABELS

Photocopiers

Employees and students shall not photocopy copyrighted materials without permission from the copyright owner.

Computers

Employees and students shall not copy computer software without permission from the copyright owner.

Videocassette Recorders

No off-air dubs of television programs or videos without public performance rights may be used without permission from the copyright owner.