

## Administrative Procedure 173

---

# COPYRIGHT

## Background

The Division recognizes the rights of creators and undertakes to ensure staff members are aware of these rights as required by the Copyright Act of Canada. The Division will not accept responsibility for a staff member who willfully and knowingly contravenes the [Copyright Act](#).

## Definitions

In this Administrative Procedure:

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.

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.

Works Covered by Copyright mean all original literary, dramatic, musical and artistic works.

Examples include: movies, books, music, writings, 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, online programs, CD-ROMs, laser disks and computer programs stored on any media.

Dubbed Off-Air means making a copy of any television program during broadcast. A copy of the newscast can only be made at the time the newscast/commentary aired. If the news agency posts it on the internet it is the users right to view the items posted on the internet however sources should be checked and rights credited.

## Procedures

1. Works covered by copyright may only be reproduced for Division Office, class or school use with oral or written permission from the copyright owner or if they are covered by an agreement entered into by the CFO or on behalf of the Division by the Ministry of Education.
2. Print Resources  
The Ministry of Education has entered into the [Access Copyright Elementary and Secondary School Tariff agreement](#) on behalf of Saskatchewan School Divisions which allows copying under certain conditions. An individual may reproduce print resources in accordance with the fair dealings guidelines found in this agreement.

### 3. Video Resources

The Copyright Act permits showing an audiovisual work such as a DVD or video as long as the work is not an infringing copy or the person responsible for the showing has no reasonable grounds to believe it is an infringing copy. Teachers can show audiovisual works purchased or rented from a retail store, a copy borrowed from the library, a copy borrowed from a friend, and a YouTube video.

Showing movies from subscription services in the classroom is governed by the terms of the agreement between the subscriber and the subscription service. If the agreement provides that use is limited to “personal” or “household” use, for example, then classroom use is not permitted under the agreement.

### 4. Electronic Resources

4.1 Electronic resources such as computer software, CD-ROMs, 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 Division will make every effort to purchase multiple copies of electronic resources or to purchase site or jurisdictional licenses for electronic resources.

4.2 One (1) 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.

4.3 Educational institutions, teachers, and students may save, download, and share publicly available internet materials, as well as use that material in the classroom and communicate to students or others within their education circle.

“Publicly available” materials are those posted on-line by content creators and copyright owners without any technological protection measures, such as a password, encryption system, or similar technology intended to limit access or distribution, and without a clearly visible notice prohibiting educational use.

### 5. Music Resources

The schools purchase music resources following copyright guidelines. An individual may reproduce music resources in accordance with the guidelines found in this agreement [Copyright Act](#).

### 6. “Public Domain” Resources

6.1 Staff members may reproduce works that are in the “Public Domain”.

6.2 If a work is in the “Public Domain” it means that reproduction is allowed without requesting permission.

6.3 Fifty (50) years after the death of a creator, a work becomes part of the “Public Domain”, except when rights are passed to others.

6.4 If the work is reprinted in a new edition, only the original text is in the “Public Domain”.

### 7. Ownership of Copyright

7.1 The Division owns copyright in any works produced by a staff member in the course of his/her employment.

7.1.1 The Director may grant others the right to reproduce work copyrighted by the Division under such terms as may be appropriate. The reproduction must include the copyright and give acknowledgment to the authors.

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

- 7.1.3 The Division may market Board material at a cost that shall cover printing, mailing and royalty.
- 7.1.4 The Division may enter into an agreement with a private publisher to publish Division material for sale and distribution.
- 7.1.5 If the Division markets a resource profitably, it may choose to compensate the creative staff member.
- 7.2 Students own the copyright on anything that they create and parental permission to reproduce their work shall be obtained if the student is under sixteen (16) years of age. Student permission is required if the student is sixteen (16) years of age or over. Permission is not required to display student work within the school.
  - 7.2.1 The principal 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.
  - 7.2.2 Parental approval shall be obtained to display any student work outside the school at such sites as teachers' conventions, conferences, public libraries, Division office or on the school website.
  - 7.2.3 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.

## 8. Adherence to Copyright Law

Staff members will not be required by their supervisors to perform any service that is a violation of this Administrative Procedure.

- 8.1 Principals and supervisors shall ensure that copyright information shall be offered to all staff members, to ensure they are made aware of Copyright Law, the copyright agreements, and this Administrative Procedure.

The Director may appoint a committee to review copyright procedures periodically and will continue to provide updated information to all schools.

Reference: Copyright Act of Canada  
Copyright Matters! 3<sup>rd</sup> Edition 2012

*Approved: May 12, 2014*