

BUSINESS

Copyright Fair Dealing Guidelines

Purpose:

To comply with the *Fair Dealing Guidelines* as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium.

Legal Framework:

Copyright Modernization Act
Fair Dealing Guidelines – Council of Ministers of Education Canada (CMEC) Copyright Consortium

Criteria for Fair Dealing:

The fair dealing provision in the *Copyright Act* permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two tests must be passed.

1. First, the "dealing" must be for a purpose stated in the *Copyright Act*: research, private study, criticism, review, news reporting, education, satire, and parody. Educational use of a copyright-protected work passes the first test.
2. The second test is that the dealing must be "fair." In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means in schools and post-secondary educational institutions.

The copying of consumable materials, or those intended for one time use is prohibited. This includes workbook and exercise books in which a student records answers. These are materials created and intended for each student to have his or her own copy.

Guidelines:

The attached Fair Dealing Guidelines (Appendix A) apply to fair dealing in non-profit K-12 schools and post-secondary educational institutions and provide reasonable safeguards for the owners of copyright-protected works in accordance with the *Copyright Act* and the Supreme Court decisions.

Communication:

In order to ensure that all staff understand the obligations of the school board in accordance with the *Copyright Modernization Act*, the Fair Dealing Guidelines will be distributed to all school locations on an annual basis, to be posted at each copier location for ease of reference.

Appendix:

Appendix A - Fair Dealing Guidelines - Appendix A

Effective Date

2012-12-20

Amended/Reviewed

2018-04-06