

Q&A: COPYRIGHT RULES FOR QUÉBEC SCHOOLS



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This Q&A sheet is intended to enable Québec school personnel to better understand their rights and responsibilities regarding copyright.

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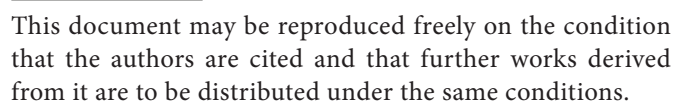
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On the LEARN website: www.learnquebec.ca and also
on the APSDS website: <http://apsds.org/>

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1. PHOTOCOPIES

Can I copy a complete children's book for my students if it is no longer available on the market?

NO The agreement between la société de gestion Copibec and the ministère de l'Éducation, du Loisir et du Sport (MELS), specifies that the limit allowed for this type of use, even for out of print books, is **the lesser of 10% or 25 pages of a printed work**. This limit does not apply if the book is in the public domain.

If you have any questions, please contact your school librarian.

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Can I copy a complete story for my students if it is part of a collection?

YES On the condition that the text of the story does not exceed the limit allowed under the agreement between Copibec and MELS, which is **the lesser of 10% or 25 pages of a printed work**.

If you have any questions, please contact your school librarian.

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Can I copy a series of poems and put them together in a collection to hand out to my students?

NO The agreement between Copibec and MELS does not permit teachers to copy texts and put them together in a collection for students, neither in digital nor printed format, unless the poems selected are in the public domain.

If you have any questions, please contact your school librarian.

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Can I copy for my students an entire musical score which is part of a collection?

YES On the condition that the musical score does not exceed the limit allowed by the agreement between Copibec and MELS, which is **the lesser of 10% or 25 pages of a printed work**.

If you have any questions, please contact your school librarian.

Can I copy an article from a magazine purchased at a supermarket?

YES On the condition that the total pages of the periodical or newspaper article do not exceed the limit allowed under the agreement between Copibec and MELS, which is **the lesser of 10% or 25 pages of the publication**.

If you have any questions, please contact your school librarian.

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Can I copy an article found on the website of a newspaper?

YES On the condition that the total pages of the periodical or newspaper article do not exceed the limit allowed under the agreement between Copibec and MELS, which is **the lesser of 10% or 25 pages of a printed work**, and that the publication in question is not on the Copibec list of exclusions.

If you have any questions, please contact your school librarian.

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Can I copy the text of an English song for my students so that we can do a missing word exercise?

YES On the condition that the words of the song come from a paper source (the booklet that comes with a music CD) or a proper source (the author's website or a site authorized by the author).

If you have any questions, please contact your school librarian.

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Can I copy the full text of a play for my students?

NO The agreement between Copibec and MELS does not allow teachers to copy an entire play. The limit allowed by the agreement is the **lesser of 10% or 25 pages**.

If you have any questions, please contact your school librarian.

Can I copy government publications?

YES The laws, regulations and judicial decisions of the federal government, provinces and territories, except Québec, Manitoba and Nunavut, can be copied for pedagogical purposes. Also, the agreement between Copibec and MELS authorizes the copying of publications of the government of Québec (departments and Publications du Québec), unless a warning indicates that copying for pedagogical purposes is forbidden.

If you have any questions, please contact your school librarian.

2. ORAL PRESENTATIONS AND WRITTEN WORK OF STUDENTS

Are my students' works protected by copyright?

YES All original works created by students, in any form (writing, video, DVD, sound recording, website or work of art), are protected by copyright.

If you have any questions, please contact your school librarian.

Do my students have the right to use works protected by copyright to create new works?

YES The *Copyright Act* (section 29.21) allows anyone, not only students and teachers, to use works protected by copyright to create new works on condition that the use is for non-commercial purposes; the source is mentioned; the original work used to create the new content is obtained legally; and the content resulting from this use does not have a "substantial adverse effect" on the market for the original work.

This usage right allows the distribution of the content created by the user in compliance with the provisions of the Copyright Act. Distribution includes the posting of a video on YouTube or a website. (Source: *Le droit d'auteur ça compte*, p. 12)

If you have any questions, please contact your school librarian.

Do my students have the right to copy any images they find on the Internet?

YES Provided that: the use is for educational purposes; the source and creator are mentioned; the image is published online by the creator or copyright holder without any technological protection measure (such as a password, encryption or similar technology); and there is no clearly visible warning that prohibits educational use.*

**The original French language text was edited to give a more complete answer.*

If you have any questions, please contact your school librarian.

Can I create documents for my students using photos and music distributed under a Creative Commons license?

YES The Creative Commons symbol gives permission to use these resources for pedagogical purposes, while respecting certain minimal conditions (mention the source, respect the integrity of the work, do not use for commercial purposes, or share under the same conditions, depending on the license).

If you have any questions, please contact your school librarian.

Do I have the right to copy documents found on the Internet?

YES Provided that the use is for educational purposes, teachers and students have the right to download, save and use resources available on the Internet. These resources may also be shared with other teachers or students. However, the source and author must be mentioned, and the resources must be published online by the creators or copyright holders without any technological protection measure (such as a password, encryption system or similar technology) and without any clearly visible warning that prohibits educational use.*

**The original French language text was edited to give a more complete answer.*

If you have any questions, please contact your school librarian.

3. THEATRE

Do I have to pay royalties to present a play within the school?

NO Schools do not pay royalties for stage presentations, but must declare the work performed and the number of performances to SoQAD. The work must not be on SoQAD's list of exclusions, which is available at:
<http://www.aqad.qc.ca/listeexclusions.asp>

If you have any questions, please contact your school librarian.

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Can I put on a musical comedy without paying performance royalties?

NO The agreement with SoQAD does not cover rights to perform foreign musical comedies (copyright, music, scores and sound recordings). The agreement does not cover music rights (scores and sound recordings) of a Québec musical comedy or drama either.

If you have any questions, please contact your school librarian.

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Can I charge entry for the performance of a play in the school?

YES But only to pay for production costs.

If you have any questions, please contact your school librarian.

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Can I film a play performed by students on the school premises?

YES It is legal to record or film a play for archival purposes or as a souvenir. Authorization to record the work must be obtained from the student or, in the case of a minor, from his or her legal guardian.

If you have any questions, please contact your school librarian.

Can I publish extracts of a play performed by students on the Web or in social media?

YES On the condition that the extracts are no more than three minutes long. Authorization to publish the extract must be obtained from the student or, in the case of a minor, from his or her legal guardian.

If you have any questions, please contact your school librarian.

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Can I modify the text of a play?

NO The consent of the author is required to modify the text of a play.

If you have any questions, please contact your school librarian.

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Can I photocopy a play for rehearsals or for teaching without paying royalties?

NO Reproduction rights are not covered by the MELS/SoQAD agreement. You must respect the agreement between Copibec and MELS, which is **the lesser of 10% or 25 pages of a printed work**.

The ADEL website for dramatic authors (<http://www.adelinc.qc.ca/>) allows you to read plays for free and, if you wish, to print them for a slight fee.

If you have any questions, please contact your school librarian.

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Can I adapt a work (such as a film, a novel, a comic book or other work) in order to present it as a play?

YES However, it is important that the use is non-commercial; that the source is mentioned; that the original work used to create the content is obtained legally; and that the content resulting from this use does not have a "substantial adverse effect" on the market for the original work. The entry fee for a public performance may only cover production costs.

If you have any questions, please contact your school librarian.

4. MUSIC

Can I create a songlist for a fashion parade that will take place as an extracurricular activity?

YES It is possible to reproduce works from different sources (CD and iTunes) on the condition that the works are part of the SODRAC repertoire. The list can be found at the SODRAC website:

http://www.sodrac.ca/Rechercheoeuvres/intro_rechercher_oeuvre.aspx?lang=e

The works in the SODRAC repertoire can be used for school and extracurricular purposes on the condition that this occurs on the premises of the school concerned.

If you have any questions, please contact your school librarian.

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Can I play a CD in class, to a group of students?

YES The Act and the agreement between MELS and SOCAN allow schools and school boards to publicly play any musical work in the global repertoire from a legally acquired CD, without requesting authorization for this and without paying royalties. Music must be played in an educational institution for pedagogical purposes, to an audience that is mainly students.

If you have any questions, please contact your school librarian.

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Can I perform or have performed by students any work in the global repertoire?

YES The Act and the agreement between MELS and SOCAN allow schools and school boards to publicly perform any musical work from the global repertoire.

If you have any questions, please contact your school librarian.

Can I use a piece of music from the SODRAC repertoire to produce a video?

YES The Act and the agreement between MELS and SOCAN allow the reproduction in audio and audiovisual formats, analog or digital, of musical works and sound recordings from the repertoire covered by the agreement, from sound media (CD, cassettes, vinyl, etc.) available on the market legally.

If you have any questions, please contact your school librarian.

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Can I film a group of students singing a song that is not a part of the SODRAC repertoire?

YES Users can reproduce in audio and audiovisual formats, works of music performed or played by students or school personnel, for example: an audio recording of songs performed during a music class, a video recording made of a show or recital given by students. Authorization must be obtained from the student or, in the case of a minor, from his or her legal guardian.

If you have any questions, please contact your school librarian.

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Can I sell a video from an awards gala which includes pieces of music from the SODRAC repertoire?

YES It is permissible to sell audio and audiovisual documents under the agreement, but only to students of the educational institution where the document was produced, and to their parents. Authorization must be obtained from the student or, in the case of a minor, from his or her legal guardian.

The documents sold must not consist of compilations of musical works and the sale price must only recover the cost of producing the documents; therefore, it is forbidden to sell the documents for commercial purposes or to make a profit.

If you have any questions, please contact your school librarian.

Can I copy and play in class a piece of music from the radio or a video clip?

NO It is permissible to copy a musical work from the radio or a video clip for pedagogical reasons, and to keep the copy for up to 30 days in order to evaluate the work. However, it is illegal to play the copy in class unless royalties are paid to the copyright holder or a collective rights management society.*

**The original French language text was edited to give a more complete answer.*

If you have any questions, please contact your school librarian.

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Can I publish on a website or in social media an original musical work (such as from an artist's CD) that has been copied in conformance with the agreement between MELS and SODRAC?

NO It is prohibited to post musical works or sound recordings reproduced under the agreement on the Internet. It is permitted, however, to post them on the internal network (intranet) of educational institutions.

If you have any questions, please contact your school librarian.

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Can I modify the words of a song?

NO It is forbidden to modify or adapt musical works and sound recordings (for example, to change the words of a song). However, under the agreement, doing arrangements, harmonizing or even orchestrations of a work do not constitute a modification or adaptation of it.

If you have any questions, please contact your school librarian.

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Can I copy a score (sheet music)?

NO It is forbidden to copy scores (sheet music).

If you have any questions, please contact your school librarian.

Can I copy for my students an entire musical score from a collection?

YES On the condition that the musical score does not exceed the limit under the agreement between the collective rights management Copibec and MELS, which is **the lesser of 10% or 25 pages of a printed work**.

If you have any questions, please contact your school librarian.

5. MATERIAL PRODUCED BY STUDENTS

Can I post activities that I do with my students to the Internet (teaching material sharing sites, blogs, etc.) without the authorization of the school board?

NO Your employer holds the copyright to any activities done as part of your employment. Teachers do not own the material they produce. They must obtain the authorization of their employer to distribute their material in any manner.

If you have any questions, please contact your school librarian.

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Can I use teaching materials from another teacher in my school board?

YES Pedagogical material produced by a teacher belongs to the employer, the school board. However, it is essential to specify the author of the documents when using the pedagogical material of colleagues, in order to respect their moral rights.

If you have any questions, please contact your school librarian.

6. VIDEOS AND FILMS

Can I show my students a film on DVD?

YES It is possible to publicly show a DVD or a videocassette from your home, from a library or a friend, or rented from a video store, on the condition that:

- › The work is presented by an educational institution, on its premises, for pedagogical purposes, to an audience composed mainly of students;
- › It is not done for profit;
- › The recording is not counterfeit;
- › If it is a video from the Internet, there are no warnings visible on the site that prohibit its use by educational institutions.

If you have any questions, please contact your school librarian.

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Can I show my students a film available on a streaming service (Netflix, Illico, Tou.tv, etc.)?

NO The terms of the agreement between the subscriber and the streaming service only allow private use.

If you have any questions, please contact your school librarian.

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Can I show my students a film as part of daycare or extracurricular activities?

YES and **NO**

YES On the condition that the public performance rights were purchased or a license was obtained from a collective rights management society (such as Criterion www.criterionpic.com or Audio Ciné Films www.acf-film.com/en/index.php) to show a film in such a situation.

Otherwise, **NO**, you do not have the right.

If you have any questions, please contact your school librarian.

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Can I show a film at a fund-raiser?

YES and **NO**

YES On the condition that public performance rights were purchased or a license was obtained from a collective rights management society (such as Criterion www.criterionpic.com or Audio Ciné Films www.acf-film.com/en/index.php) to show a film in such a situation.

Otherwise, **NO**, you do not have the right.

If you have any questions, please contact your school librarian.

Can I show my students a video posted on YouTube?

YES An educational institution has the right to show videos that are freely accessible on the Internet in class for pedagogical purposes, as long as there is no technological protection measure (such as a password, encryption or similar technology), nor any clearly visible notice prohibiting use for educational purposes.

Also, the source and, if available, the name of the author, the performer, and producer or broadcaster should be mentioned.

However, you do not have the right to show a video if it is evident that the work was posted without the authorization of the copyright holder.

If you have any questions, please contact your school librarian.

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Can I do a mashup of several film clips to show it to students?

YES The *Copyright Act* (section 29.21) allows anyone — not only students or teachers — to use works protected by copyright to create new works, on the condition that: the use is non-commercial; the source is mentioned; the original work used to create the content is obtained legally; and the content resulting from this use does not have a “substantial adverse effect” on the market for the original work.

If you have any questions, please contact your school librarian.

7. DIGITAL INTERACTIVE WHITEBOARD OR DIGITAL PROJECTOR

Can I digitize a book or a student workbook and project it on an interactive whiteboard?

YES As long as you respect the limit set out in the agreement between MELS and Copibec of **the lesser of 10% or 25 pages of the work**. However, if the book is already offered in a digital version, the version available on the market must be used.

If you have any questions, please contact your school librarian.

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Can I show my students a newspaper or periodical article on a digital whiteboard or digital projector?

YES You can show a newspaper or periodical article to the students, unless the publication is on the Copibec exclusion list.

Also, if it is a web page, it can be shown as long as there is no technological protection measure (such as a password, encryption or similar technology), nor any clearly visible notice prohibiting use for pedagogical purposes.

If you have any questions, please contact your school librarian.

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Can I use a document camera (e.g. IPEVO™) to show a book on a digital interactive whiteboard or digital projector?

YES The Act allows the showing of a work for pedagogical purposes on the premises of the educational institution.

If you have any questions, please contact your school librarian.

8. LIBRARIES

Can I make a backup copy of a work (CD, DVD, etc.) for my library?

YES You can make a copy of the work for backup. However, the following conditions must be respected:

1. The reproduction must be solely for backup, in case the original becomes unusable, for example lost or damaged;
2. The original copy must not be counterfeit, i.e. it was legally acquired by the school;
3. No technological protection measure was overcome to make the copy;
4. Copies may not be given to anyone.

Also, any backup copy must be destroyed if the school ceases to be the owner of the original.

The backup copy can only be used if the original work is no longer on the market. If the original is available on the market, a new copy must be purchased.

If you have any questions, please contact your school librarian.

.....
Can I make a copy of a work for my library in order to preserve the original?

YES It is possible to reproduce a work completely to ensure its preservation, but only if it is no longer possible to obtain the work on the market.

If you have any questions, please contact your school librarian.

Can I use thumbnail images of books on my website or in documents?

YES Thumbnail images can be used for pedagogical reasons when there is no technological protection measure (such as a password, encryption or similar technology), nor any clearly visible notice prohibiting use for pedagogical purposes.

If you have any questions, please contact your school librarian.

9. STUDENTS WITH PERCEPTUAL DISABILITIES

Can I digitize a literary or dramatic work in paper format so that students with perceptual disabilities can read it on an electronic platform?

YES and **NO**

YES If the book you wish to use is not available in digital format. According to the *Copyright Act*, it is possible to digitize a print book so that one or several students with perceptual disabilities can read it with the help of a computer or other digital equipment if the book is not available on the market in an appropriate format.

NO If the book you wish to use is available in digital format, a copy must be purchased for each student.

If you have any questions, please contact your school librarian.

10. IMAGES

Can I include an image found on the Internet in a document?

YES The Act authorizes the reproduction or public showing of protected works provided that the use is for pedagogical purposes, the image is published online by the content creator or copyright holder without any technological protection measure (such as a password, encryption or similar technology), and there is no clearly visible warning prohibiting pedagogical use.

If you have any questions, please contact your school librarian.

11. DATABASE

Can I freely use information found on a database with paid access?

NO Even when access to a database is paid, and access restricted to the personnel or students of a school or a school board, the Copyright Act applies to the contents of this database, whether it is original or comes from external sources.

The rights to use a database are usually defined in a license agreement that binds the content publisher and the user of the resource. This license defines what may be done with the information in the database. Most publishers allow copying for private use or for educational or research purposes. The source must always be mentioned. However, it is prohibited to use the information for commercial purposes or to share the access codes with persons who are not part of the organization that signed the license.

If you have any questions, please contact your school librarian.

Is information rights free if it is found in Internet databases whose access is free (e.g. Livres ouverts)?

NO Even if it is offered for free, content found on the Internet is also protected by the Copyright Act. The Act allows educational institutions to use the information for private purposes or for education or research. However, the source must always be mentioned, and there must be no visible warning prohibiting pedagogical use.

If you have any questions, please contact your school librarian.

12. EVALUATION

Is it possible to use works protected by copyright in a Learning and Evaluation Situation (LES)?

YES The *Copyright Act* allows schools to use and reproduce protected print works for purposes of examination or testing if it is not accessible on the market. It is also possible, for examinations only, to make a collection of works.

If you have any questions, please contact your school librarian.

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Is it possible to use old MELS exams to prepare students for a year-end ministerial exam?

YES MELS authorizes teachers to copy exams from the previous three years to prepare students for a ministerial examination. You can request this by email at the following address:

www.droitauteur.gouv.qc.ca/autorisation.php

If you have any questions, please contact your school librarian.

13. TELEVISION

Can I show a TV program to my students in class?

YES You can show a television program **at the time of its transmission** if it is shown on the premises of an educational institution for pedagogical purposes to an audience comprised mostly of students.

If you wish to record a TV show to show it in class later, you must pay royalties to the copyright holder or a collective rights management society. You have the right to make a single copy **at the time of its transmission** and keep it for up to 30 days for personal evaluation.

If you have any questions, please contact your school librarian.

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Can I copy a news or news commentary program broadcast on television?

YES An educational institution may make a single copy of a news or news commentary program to show to an audience comprised mainly of students on its premises for pedagogical purposes. The copy must be made only at the time of its transmission.

If you have any questions, please contact your school librarian.

14. CREATIVE COMMONS

What is Creative Commons?

A Creative Commons license **pre-authorizes** the use of works **under certain conditions**. When a work is under a Creative Commons license, you can use it without any verification or request for authorization, provided you respect the conditions issued by the creator of the work.

For more about Creative Commons, visit:

- › Creative Commons, the site of the international organization:
<http://creativecommons.org/>
 - › Creative Commons Canada: <http://creativecommons.ca/en>
-

How can I tell if a work is under a Creative Commons license?

Works under a Creative Commons license will indicate that they are available under Creative Commons. Generally, works under a Creative Commons license have the logo of one of the licenses on the work:



CC BY
Attribution



CC BY-ND
Attribution -
NoDerivs



CC BY-NC
Attribution -
NonCommercial



CC BY-SA
Attribution -
ShareAlike



CC BY-NC-SA
Attribution -
NonCommercial -
ShareAlike



CC BY-NC-ND
Attribution -
NonCommercial -
NoDerivs

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Where can I find works under a Creative Commons license?

The site of the international Creative Commons organization offers access to works under a Creative Commons license:
<http://search.creativecommons.org/>

This site enables access to works under a Creative Commons license contained in banks of content (e.g. Flickr) or accessible by search engines (e.g. Google).

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To use a work under a Creative Commons license, you simply respect the conditions of sharing. These could be any of the following:

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- › NonCommercial: Use is permitted, provided no commercial use is made of the work.
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When creating a work as part of your employment, you should check that your employer accepts it being placed under a Creative Commons license.

- › New York Public Library: <http://digitalgallery.nypl.org/nypldigital/index.cfm>
- › Openclipart: Database with rights free clip art. <https://openclipart.org/share>
- › Pixabay: <http://pixabay.com/>
- › Stockphotos that don't suck: <https://medium.com/p/62ae4bcbe01b>

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MUSIC

- › Au bout du fil: Website with music under a Creative Commons license. <http://www.auboutdufil.com/>
- › Jamendo: Website distributing rights free music: <http://www.jamendo.com/en>
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MIXED MEDIA

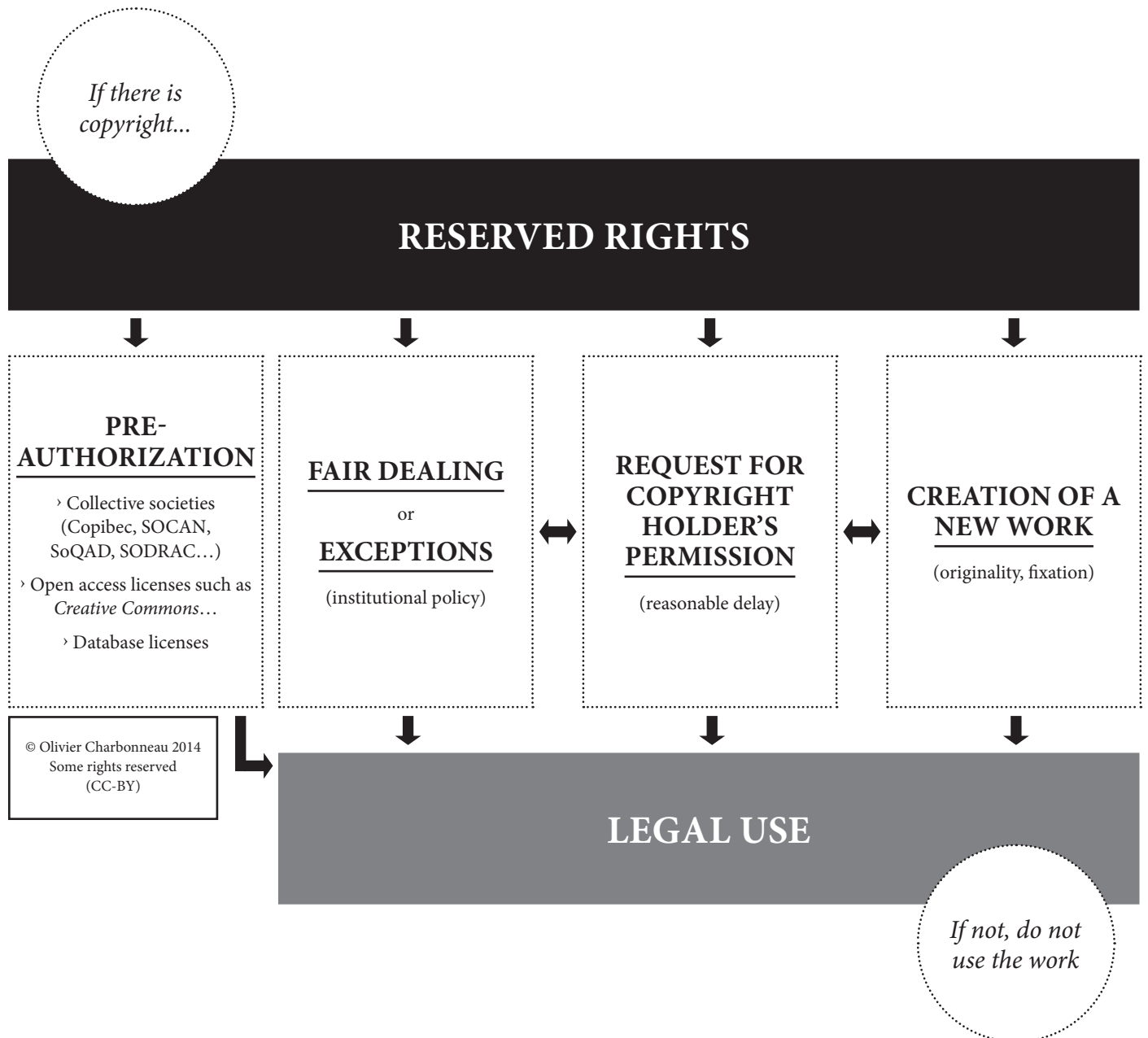
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- › Wikimedia Commons: Database with rights free images, sound clips and videos. http://commons.wikimedia.org/wiki/Main_Page

15. SOURCES OF RIGHTS FREE WORKS

IMAGES

- › CCDMD offers images for education: <http://monde.ccdmd.qc.ca/>
- › Flickr: Image database. Most of the images are restricted in use. However, you can do an advanced search for images which are rights free. It is also possible to search for images in the public domain. <http://www.flickr.com/commons/>
- › Le monde en images: <http://monde.ccdmd.qc.ca/>
- › McCord Museum on Flickr, all images rights free: <https://www.flickr.com/photos/museemccordmuseum/sets/>

GRAPHIC REPRESENTATION OF THE COPYRIGHT PROCESS



APPENDIX 1: POLICY ON COPYRIGHT IN SCHOOLS

1. PREAMBLE

The *Copyright Act* (L.R.C., 1985, c. C-42) grants exclusive rights to the copyright holders of literary, dramatic, musical, and artistic works, and original compilations of works or data. It covers the moral rights of the creator (the right to be associated with a work as its creator; the right to use a pseudonym and the right to protect the integrity of the work) and the economic rights (to authorize one or several uses such as production, reproduction, publication, public performance or execution, adaptation, translation of all or a large part of the work). Except for the exceptions provided in the *Copyright Act*, the use of a work protected by this Act requires authorization from the copyright holder.

Among the exceptions, the *Copyright Act* authorizes fair dealing for the purposes of research, private study, education, news, criticism, reporting, parody or satire; with the condition in some cases that the source and the name of the author be mentioned.

The policy stated here deals solely with the rights and obligations of users in Québec educational institutions and lays down the principles to be respected when using works protected by copyright, in conformance with the *Copyright Act*. This policy, which is also intended to structure pedagogical practices of educational interveners regarding the use of works protected by copyright, is the result of an initiative undertaken by school librarians hoping to help students to become responsible citizens who are aware of the importance of copyright to the culture of Québec and the need to develop information skills. This policy sets out the boundaries of the *Copyright Act* which allows for copyrighted works to be used for educational purposes, in the context of training tomorrow's citizens and valuing our culture and its creative works.

2. DEFINITIONS

Act:

The *Copyright Act* and all of the measures contained within it. (*Copyright Act, L.R.C., 1985, c. C-42.*)

Authorization:

Permission granted to a user to accomplish an act which is solely the right of a rights holder, whether the right is granted by the copyright holder or by a person who already holds an exclusive license. Generally, it is necessary to obtain written authorization. Licenses from collective rights management societies or other providers are examples of authorizations.

Collective rights management society:

An organization authorized to provide the collective management of copyrights for its members, according to the Canadian Intellectual Property Office.

Educational institution:

- a) A non-profit organization offering teaching for pre-school, elementary, secondary, post-secondary, or continuing education, technical or professional training;
- b) A department or organization of any order of government, or non-profit entity which has authority over the teaching and training mentioned in a) above.

Exception:

In the case of educational institutions, an exception allows the use of a work protected by copyright for defined purposes, without requiring authorization or the payment of royalties.

Exclusive right:

According to Section 3 of the Copyright Act, the rights holder of a work has exclusive rights to publish, reproduce, perform in public, translate, post online, etc. This includes the exclusive right to authorize these acts.

Fair dealing:

According to the Canadian Association of Research Libraries, fair dealing is an exception in the Copyright Act which allows the copying of parts of a protected work for specific purposes, when this usage is fair. Fair dealing of protected works is considered a right of the user in Canada.

Fixed work:

A work is fixed when it is recorded on a digital or material platform. Fixation is an essential criterion for ensuring the protection of a work by copyright, according to the Berne Convention.

Legal use:

Designates any use of a protected work that respects the principles established in the Copyright Act.

Original work:

A work is considered original when it is the outcome of an act of a creator, is not a copy and shows a certain level of ability and judgement, according to the Canadian Association of Research Libraries.

The criterion of originality is essential to ensuring the protection of a work by copyright, according to the Berne Convention.

Person acting under authority:

Refers to the person chosen and empowered by an organization to ensure the respect of copyright and to answer questions related to copyright.

Protected work:

A work that is protected (by copyright) is an original and fixed work which is not in the public domain (i.e. the copyright has not expired).

Public domain:

The public domain includes all works not protected by copyright. They usually enter the public domain in one of three ways: when the copyright expires; when the work was created before the existence of copyright; or when the rights holder chooses to put the work in the public domain, abandoning the copyright. Works in the public domain can be copied, distributed, modified, adapted and performed freely, without permission from the creator and without paying royalties.

(Source: Canadian Association of Research Libraries)

Rights holder:

The holder is the person or organization which has the moral and economic rights to a protected work.

User:

Designates the person or organization seeking to accomplish an act covered by copyright in an exclusive manner.

3. POLICY

Any user who wishes to use a work protected by the Copyright Act; to produce it, copy it, publish it, execute it, perform it in public, or translate it, should refer to one of the following options:

- 3.1. pre-authorization pursuant to an agreement;
- 3.2. fair dealing or exception permitted under the Act;
- 3.3. request to the rights holder;
- 3.4. creation of an original and fixed work.

A work in the public domain never requires authorization for its use.

The designated official of the organization must ensure the distribution of information on the rights and obligations of users of a protected work.

3.1. Pre-authorization under an agreement

Pre-authorization means:

- a) an agreement with a collective rights management society;
- b) an open access license like that of Creative Commons;
- c) a license signed by the educational organization.

3.2. Fair dealing or exception provided by the law

Fair dealing allows the legal use of a work in the following cases: for research, private study, education, news, criticism, reporting, parody or satire; with the condition that the source of the work and the name of the author are mentioned.

Also, the Act provides a series of specific exceptions for educational institutions.

An educational institution can mandate a person acting under its authority to establish procedures which define the reasonable limit of use of a work under fair dealing or the exceptions of the Act.

3.3. Request to rights holder

In a case where fair dealing or exceptions under the Act do not apply, it is possible to request authorization to use a protected work from the rights holder. If authorization is obtained, any conditions specified by the rights holder must be respected. Failing a response from the rights holder within a reasonable delay, the use becomes fair dealing.

The institution can mandate a person acting under its authority to define the procedures for requesting authorization from a rights holder.

3.4. Creation of an original and fixed work

It is always possible to create and use a new work, to the extent that it is original and fixed.

The institution can mandate a person acting under its authority to select criteria for evaluating the originality and the fixation of the new work.

BIBLIOGRAPHY

Canadian Association of Research Libraries. <<http://www.carl-abrc.ca/>> (viewed November 6, 2013).

Association québécoise d'établissements de santé et de services sociaux. 2011. Politique d'utilisation d'œuvres protégées par le droit d'auteur d'un établissement de santé et de services sociaux. Montréal: Association québécoise d'établissements de santé et de services sociaux.

Canada. Industry Canada. Canadian Intellectual Property Office. < <http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/homel>> (viewed November 6, 2013).

Canada. Justice Laws Website. Copyright Act, L.R.C., 1985, c. C-42. < <http://lois-laws.justice.gc.ca/eng/acts/C-42/>> (viewed November 6, 2013).

Agreements between MELS and collective rights management societies: <<http://www.mels.gouv.qc.ca/commissions-scolaires/administration/droit-dauteur/les-ententes-entre-le-ministere-et-des-societes-de-gestion-des-droits-dauteur/>>

Interactive guide to copyright in schools:

<http://www.acsq.qc.ca/centre_de_documentation/publique/CPSSGC/Perfectionnement/Documentation/2014/Conference_2_Jonathan_Desjardins_Malette.pdf>

Noel, Wanda and Snel, Jordan. 2012. Copyright Matters! Some Key Questions and Answers for Teachers. 3rd ed. Canada: Canadian Council of Ministers of Education, Canadian School Boards Association, Canadian Teacher's Federation. <http://cmec.ca/Publications/Lists/Publications/Attachments/291/Le_droit_dauteur_ca_compte.pdf>

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