



**DURHAM CATHOLIC  
DISTRICT SCHOOL BOARD**  
*Learning and Living in Faith*

## **POLICY – PO439**

### **Copyright**

Area: Operations  
Source: Superintendent of Education

Approved: Nov. 12, 2012 (Interim); Nov. 11, 2013  
Revised: May 10, 2021

#### **1. Introduction**

It is the policy of the Durham Catholic District School Board to comply with the *Fair Dealing Guidelines* as developed by the Council of Ministers of Education Canada (CMEC) Copyright Consortium. The Durham Catholic District School Board will communicate the *Fair Dealing Guidelines* to all school locations on an annual basis in order to ensure that all staff understand the obligations of the school Board in accordance with the *Copyright Modernization Act*.

#### **2. Definitions**

**Fair Dealing** – identifies allowable purposes (or dealings) for the use of copyright protected materials without permission or payment of copyright royalties. Two criteria must be met in order to qualify for “*fair dealing*”. Copying must be for a purpose stated in the *Copyright Act*. With the passage of the *Copyright Modernization Act*, “*education*” is now an allowable purpose.

Copying must be “*fair*”. In its July 2012 decision, the Supreme Court supported the position that it is “*fair*” for a teacher to copy “*short excerpts*” from copyright protected material for students in a class.

#### **3. Purpose**

The purpose of this policy is twofold; first, to ensure compliance with the *Copyright Modernization Act* and; second, to establish a policy and related administrative procedure framework for all staff in meeting their obligations for compliance.

## **4. Application / Scope**

This policy and related administrative procedure applies to all users of copyrighted materials in the Board, including staff, and Trustees.

## **5. Principles**

The Board recognizes the *Fair Dealing Guidelines* of the *Copyright Modernization Act* as the established parameters for the use of copyrighted materials in the Board. The Board accepts its responsibility to ensure compliance with the *Fair Dealing Guidelines* developed from the *Copyright Modernization Act*. The Board understands its obligation to inform all staff of the requirements of the *Fair Dealing Guidelines*.

## **6. Requirements**

- 6.1 The Director of Education or designate shall develop a related Copyright administrative procedure which incorporates the *Fair Dealing Guidelines*.
- 6.2 The Director of Education or designate shall ensure that all staff are informed, on an annual basis, of the Copyright policy and Copyright administrative procedure.

## **7. Sources**

- 7.1 *Copyright Modernization Act*
- 7.2 *Fair Dealing Guidelines* – Council of Ministers of Education (CMEC) Copyright Consortium

## **8. Related Policies and Administrative Procedures**

- 8.1 Copyright Administrative Procedure (AP439-1)