

Administrative Procedure 190-1

Appendix A - Copyright Advisory for Educators

This document is composed of:

- Part I: Access Copyright Tariff
- Part II: Copying Prohibited under the Tariff
- Part III: Allowable Copying

Part I – Access Copyright Tariff

Access Copyright is a collective that represents authors and publishers who own the copyright in their works. The Access Copyright tariff has been established to compensate these copyright owners for the photocopying of their works in school boards and Kindergarten-to-Grade 12 educational institutions in every province and territory, except Quebec. The tariff replaces the Access Copyright licence that was in place for several years. The tariff also authorizes ministries of education in every province and territory, except Quebec, to photocopy and distribute copies of published print works in Access Copyright's repertoire for inclusion in tests and examinations or in distance-education materials.

The tariff sets out the rules that school boards, educational institutions, ministries, and persons acting under their authority must follow when copying published print works in Access Copyright's repertoire. The tariff continues in effect until the Copyright Board of Canada certifies a different tariff. The tariff can be found at:

<http://www.cb-cda.gc.ca/tariffs-tarifs/certified-homologues/2009/20090626-b.pdf>.

Part II – Copying Prohibited Under the Tariff

The following activities are **prohibited** under the tariff:

- Intentionally “splitting” copying runs to exceed the limits mentioned;
- Copying “consumables” – published work cards and materials designed for one-time use (e.g. workbooks, some assignment sheets, commercially produced test and examination papers, activity books);
- Copying instruction manuals or teachers' guides;
- Copying to make “course packs” (a set of copies totaling fewer than 20 pages or coming from fewer than four sources is not a course pack);
- Copying publications that contain a notice prohibiting reproduction under a licence with a collective society;
- Copying sheet music.

Part III – Allowable Copying

The following copying activities are always **allowable** under copyright law:

- Anything with the permission of the copyright owner, including works that already come with permission to copy (such as blackline masters);
- All or part of a work for private study, research, criticism, review, or news reporting, if the purpose falls under “fair dealing”;
- Insubstantial parts of a work;
- Works published during the author’s lifetime, if the author died more than 50 years ago (but not recent translations or annotations of such a work);
- If an exception in the Copyright Act applies.

Under the tariff, hard copies (not digital copies) may be made up to the following amounts, for school purposes:

- Excerpts of up to 10 percent of books, journals, magazines, and newspapers;
- The 10 percent limit may be exceeded, if required, to copy:
 - an entire chapter that comprises 20 per cent or less of a book;
 - an entire article or page from a newspaper, magazine or journal;
 - an entire short story, play, essay, or poem;
 - an entire entry from a reference work; or
 - an entire reproduction of an artistic work from a publication.

When copying, teachers must also:

- Ensure that the author’s name and the source appear on at least one page of the copies (it can be handwritten on the page);
- Respect the moral rights of authors – the right of authors to not have their work altered to the prejudice of their reputation;
- Limit the number of copies to one per student, two for the teacher, and a reasonable amount for administrative purposes, for example, to contact parents or the community.

Reference: Section 33, 52, 53, 196, 197, 222 Education Act
Copyright Act
Copyright Modernization Act
Council of Ministers of Education (CMEC)
Copyright Consortium Guidelines
Copyright Decision Tool
Copyright Matters

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