

## Teachers' use of "fair dealing" in the classroom

The "fair dealing" provision in Canada's *Copyright Act* provides benefits for teachers and learning. One such benefit is the right of teachers to make copies of "short excerpts" from a book or magazine, for example, for distribution to students in their class without having to buy a copy of the book or magazine for each student, ask for copyright permission, or pay copyright royalties. Short excerpts can be copied from books, films, television programs, audiovisual recordings, and music for educational purposes.

### **The Fair Dealing Guidelines**

The *Fair Dealing Guidelines* were developed to explain what teachers can and cannot do under fair dealing and to clarify the meaning of "short excerpts." The *Fair Dealing Guidelines* may be used as an institutional policy by schools, school boards, and ministries/departments of education. The guidelines describe the uses of copyright-protected works that, in the opinion of legal counsel, are allowed under fair dealing without obtaining permission from the copyright owner or paying copyright royalties.

The *Fair Dealing Guidelines* describe a safe harbour, not absolute limits. Copying or communicating a copyright-protected work within the limits prescribed in the guidelines will, according to the advice of legal counsel, almost certainly be fair under the fair dealing provision. Copying or communicating beyond the prescribed limits may, or may not, be fair.

Use of copyright-protected works beyond the limits in the *Fair Dealing Guidelines* requires an evaluation of whether the proposed educational use is permitted under fair dealing. If the use is not permitted under fair dealing or another users' right in the *Copyright Act*, prior written permission must be obtained from the copyright owner or copyright collective. There may be a fee required to use the material. If this process has not been followed, there is a risk that the use is contrary to law. In such a case, proceeding with the planned use is copyright infringement.

### **Know your copyright law**

Education ministries and departments, as well as school boards across the country, encourage awareness of and respect for copyright. Teachers and school staff should know the basics of copyright law, because they set the example for their students.

Teachers are encouraged to refer to [CopyrightDecisionTool.ca](http://CopyrightDecisionTool.ca) to determine whether classroom use of print materials, artistic works, or audiovisual materials is allowed under the *Fair Dealing Guidelines*.

Bookmark [CopyrightDecisionTool.ca](http://CopyrightDecisionTool.ca) and download a copy of the *Fair Dealing Guidelines*.