

## Copyright law impacts teachers and what they can use in the classroom

In June 2012, Parliament passed the *Copyright Modernization Act*, and a few weeks later, the Supreme Court of Canada issued a landmark decision interpreting the meaning of “fair dealing” in an education setting. Taken together, these two events have set new rules for copyright in the context of education. Copyright law has become clearer and easier for teachers and students to follow in two significant ways:

- **The use of Internet materials**

The copyright law provides a clear legal framework that supports the use of the Internet in classrooms. The Internet provision establishes that teachers and students can legally perform routine classroom activities such as downloading, saving, and sharing publicly available Internet text or images, incorporating Internet materials into assignments, and exchanging works electronically with one another.

The Internet provision applies only to material that is publicly available on the Internet and has been posted on-line with the authorization of the copyright owner. For instance, the provision does not apply to pirated textbooks or films. Also, teachers and students must respect any digital lock (such as encryption or password-protection) that restricts access or use of the Internet content.

- **The use of “short excerpts”**

The Supreme Court decision interpreted fair dealing as permitting teachers to copy and communicate short excerpts from a copyright-protected work for each student in a class. So, teachers can make copies of short excerpts from a book or magazine, for example, for distribution to students in their class without having to ask for copyright permission or pay copyright royalties. Short excerpts can be taken for educational purposes from books, film, television, audiovisual recordings, as well as sheet music.

As a consequence of this Supreme Court decision, many educational uses of copyright-protected works no longer require payment of copyright royalties. However, teachers’ use of copies of short excerpts is meant to be a supplement to — not a substitute for — the purchase of a copyright-protected work. The ruling does not allow an entire copyright-protected work to be copied, only a “short excerpt.” It does not mean that teachers can copy whole textbooks.

## **Know your limits when it comes to the new copyright law**

Teachers routinely encourage awareness of and respect for copyright. Given the changes to copyright law in 2012, teachers should learn more about the new benefits and limits for classroom learning.

There are very good resource materials available from the ministries/departments of education and the Council of Ministers of Education, Canada (CMEC):

- The *Fair Dealing Guidelines* are set to help educators deal fairly with copyright-protected works. The guidelines provide a detailed description of “short excerpts”.
- *Copyright Matters!* is a helpful guide to copyright law within education, providing teachers with user-friendly information on what they need to know about copyright in the classroom.

These materials can be downloaded from the CMEC Web site:

[www.cmec.ca/copyrightinfo](http://www.cmec.ca/copyrightinfo).