

The
ABCs
of
the
Access
Copyright
Tariff, 2005 - 2009



Access Copyright Elementary and Secondary School Tariff, 2005 - 2009

YOU CAN ALWAYS COPY

- anything with the permission of the copyright owner, including works which already come with permission to copy (blackline masters, other reproducibles)
- all or part of a work for private study, research, criticism, review or news reporting, if what you do is “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 A TARIFF CERTIFIED BY THE COPYRIGHT BOARD OF CANADA

You MAY make hard copies, for school purposes, of

- excerpts of up to 10% of books, journals, magazines and newspapers.
- The 10% limit may be exceeded if required to copy:
 - an entire chapter that comprises 20% 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
 - an entire reproduction of an artistic work from a publication

You MUST

- ensure that the author’s name and the source appear on at least one page of your copies. If necessary, write them down on one of the pages
- respect the moral rights of authors
- limit the number of copies to one per student, two for the teacher and a reasonable amount for administrative purposes, to contact parents and the community and to allow on-site consultation or loan at a library

The tariff does NOT authorize you to

- intentionally “split” copying runs to exceed the limits mentioned above
- copy published work cards and material designed for one-time use (e.g., workbooks, some assignment sheets, commercially produced tests and examination papers, activity books)
- copy instruction manuals or teachers’ guides
- make coursepacks (a set of copies totalling fewer than 20 pages or coming from fewer than four sources is not a coursepack)
- copy publications containing a notice prohibiting reproduction under a licence with a collective society
- copy sheet music

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Audio-Visual Materials

May I rent a video and show it in my classroom?

Tapes and videos fall outside the scope of the tariff and Access Copyright's licences. However, you still need to get permission to use works in this way. Two agencies that license the showing of commercial films are Audio Ciné Films (1-800-289-8887) and Visual Education Centre (1-800-668-0749).

Back-up and Replacement Copies

Some of my students have not purchased the workbook required for the course. May I make copies of the pages we will be using today?

No, workbooks are excluded from the tariff.

Certain kinds of publications are fragile: Can we make copies to preserve fragile works that our school owns?

This use is not covered by the tariff, however, certain exceptions under the Copyright Act may permit this use. Please consult the Copyright Act for further information.

Binding

It is the beginning of term, and I have decided on a selection of supplementary readings for my class. I would like to have them bound to protect and organize the copies before I hand them out. May I do this under the tariff?

The tariff permits you to assemble a set of copies totaling fewer than 20 pages or coming from fewer than four sources. Assembly beyond these limits constitutes the creation of a course pack, which is not permitted by the tariff.

You may create student course packs by purchasing a separate (pay-per-use) transactional licence from Access Copyright. Please contact us at licensingadmin@accesscopyright.ca for further details.

Brochures, Leaflets, and Pamphlets

Does the tariff permit me to photocopy public service brochures?

It depends on who publishes the brochure. Many public service brochures are published by the government and are therefore excluded from the tariff. If, however, the publisher is not excluded from the tariff, you can copy the brochure within the limits of the tariff.

Cartoons

I would like to copy a few cartoons from a book of cartoons. May I do so under my school's tariff?

Cartoons are included in Access Copyright's repertoire, and are therefore covered by your tariff. You may make copies provided the tariff copying limits are respected and no alterations are made. You should also check to make sure the publication is not on the Exclusions List.

Circulating Materials

I have acquired a book of blackline masters I would like to put in the library for circulation to other teachers. May I do so?

Blackline masters (also referred to as reproducibles) fall outside the scope of the tariff. It is important to understand that permission provided directly by the publisher to duplicate the blackline masters might not be broad enough to permit copying by more than one teacher in your school. Please see the permission statement and/or copyright notice on the book or blackline masters.

CD-ROM

May I make printouts from a CD-ROM for my students under the tariff?

The tariff does not include permission to print from CD-ROMs. The tariff allows copying from print to print only and does not extend to material published on CD-ROM or other digital media.

CD-ROMs customarily come with their own licence. You may already have permission to make and use print-outs under that licence but should confirm this with the publisher or refer to the copyright notice on the CD-ROM.

Copying More Than 10%

I am an elementary teacher and want to copy some illustrations from a children's book for my class. I want to copy a different illustration from the same book for each student. I am not copying the whole book for the entire class, just one different page per student. Can I do this under the tariff?

Under the tariff, a teacher may copy up to 10% of a work for one course of study or program in one school year. If your class has 20 students, the book would need to be more than 200 pages in order for you to do the copying you wish to do while respecting the tariff copying limits.

Copyright Notices

I would like to photocopy an article from a magazine, but the magazine's masthead states clearly that permission must be obtained from the publisher. May I go ahead and copy under the tariff, which says it covers magazines.

The purpose of the tariff is to act as the written permission such disclaimers usually require. You may copy within the terms and conditions of the tariff, provided the magazine is not on the Exclusions List. It should also be noted that a small percentage of books have a notice expressly prohibiting anyone from copying even under a tariff or collective licence. For those few books, you must obtain permission directly from the copyright owner.

Cumulative Copying

Last year, I gave my grade 11 English class copies of a short story. I am teaching grade 11 English again this year, and would like to copy a different short story from the same book. Will the tariff allow me to do this, or is this what is meant by cumulative copying?

Yes, the tariff allows you to do this because the tariff copying limits are determined per course of study or program in one school year. If you are copying a short story from the same book for a different class or in a subsequent academic year, the cumulative restriction does not apply. What the tariff does not authorize is making copies of stories from the same book if they total more than 10% of the book, for use in one course in one academic semester or year. This restriction also applies to copying of works for teaching or library files. You may not copy an entire book over time for retention.

Curriculum Documents

My teachers have created a curriculum document. We would like to sell it but only on a cost recovery basis. May we do this under the tariff?

Yes, if cost recovery includes only the direct costs of producing the document: paper, use of the copier and physical making (labour costs) and distribution of copies (postage). Direct costs do not include consultant fees.

Foreign Publications

Does the tariff cover materials published outside Canada?

Yes. The list of countries with which Access Copyright has reciprocal agreements is included on the Exclusions List. The tariff permits you to copy from works published in the countries listed, within the tariff copying limits, provided the works are not specifically excluded from the tariff.

I want to copy out-of-print material published in a country not covered by the tariff. Can Access Copyright clear permission for me?

Yes, we will try to clear requests that fall outside the terms and conditions of the tariff. However, if the work is published in a country with which Access Copyright does not have a reciprocal agreement, 6 – 8 weeks lead time may be required, and there is a chance that permission may be withheld. The permission may be subject to additional royalty payments set by the copyright owner or Access Copyright.

Government Publications

I would like to reproduce material from Statistics Canada. May I do so under the tariff?

These works are not covered by the tariff. Federal government publications such as those from Statistics Canada are protected by crown copyright and permission to make copies must be obtained from Public Works and Government Services (visit www.canada.gc.ca).

Internet and Electronic Bulletin Boards

I would like to post copyright protected material on our school board's electronic bulletin board. This information would then be transmitted electronically to our schools for teachers to browse and, if they wish, print. Does the tariff include permission to do this?

The tariff does not extend to the posting and networking of electronic copies of published materials. However, we may be able to clear permission through our digital licence service which is subject to additional royalty payments set by the copyright owner or Access Copyright.

Does the tariff extend to information downloaded from the Internet?

The tariff authorizes copying from paper publications only.

Libraries

Our library has misplaced a copy of an out-of-print work. We have been unable to purchase a replacement copy. May we photocopy the one we have on loan from another school library?

The tariff does not allow this use, however you may be able to purchase a separate transactional licence from Access Copyright. Also, there are some exceptions under the Copyright Act that may permit reproduction for this purpose. Please consult the Copyright Act for further information.

Location of Copying

I need to photocopy material on a colour copier and have to go to a copy shop. Does the tariff only cover copying done on school premises?

The tariff defines copying by purpose rather than location. The tariff grants permission to copy for any purpose falling properly within the educational mandate of a school so you may make copies at a copy shop. If the copy shop staff have any questions, please refer them to Access Copyright licensing staff (licensingadmin@accesscopyright.ca).

Missing Pages

One of our novels for class use is missing pages. May I photocopy the pages and tape them in the book?

You may photocopy up to 10% of a published work provided you adhere to the terms and conditions of the tariff.

Music

Does the tariff cover the photocopying of sheet music?

No, the tariff does not cover the photocopying of sheet music.

May I photocopy song lyrics that appear in a poetry anthology?

Song lyrics that appear in a poetry anthology have been reprinted as poetry and may be reproduced under the terms of the tariff.

May I reproduce nursery rhymes from a poetry anthology?

Yes you may, provided they comprise no more than 10% of the entire anthology.

I would like to reproduce a page of music that appears in a regular book. It is not a music book. May I do so?

Yes, you may. Under the tariff, you may copy up to 10% of a book.

May I hand copy or re-type lyrics from sheet music and put them on an overhead?

The tariff does not include any permission to copy from sheet music. Permission must be obtained directly from the copyright owner.

Music continued

Our school is more interested in religious music such as hymnals. Can Access Copyright grant permission to make copies of this type of music?

We currently do not represent any religious music publishers. If your school needs to copy this type of music, you should contact either of the following agencies:

Christian Copyright Licensing International
17201 N.E. Sacramento St.
Portland, Oregon 97230
tel: 800-234-2446
fax: 503-257-2244
www.ccli.com

New Dawn Music
P.O. Box 13248
Portland, Oregon 97213-0248
tel: 1-800-243-3296

In some cases, composers or publishers are not represented by these agencies, which would mean you would have to contact the copyright owner directly for permission.

Our music program requires a large number of original copies of sheet music. Because it is common for the music to become lost or damaged, I would like to make one copy of each original and keep it on file, just in case. Is this acceptable practice?

This is not covered by the tariff. You will need to contact the copyright owner directly.

Does our school require a licence to play music?

In some cases, a performing right licence is not required to perform music on school premises. But a performing right licence is required for other kinds of performances or communications that are not in furtherance of an educational objective or for training purposes. For example, SOCAN (the Society of Composers, Authors and Music Publishers of Canada) currently licenses and has licence agreements with many Canadian school boards. These agreements permit schools to perform music on their premises in contexts other than as part of the classroom curriculum, such as school dances, extracurricular presentations etc. For additional information, please contact:

SOCAN
41 Valleybrook Drive
Toronto, Ontario M3B 2S6
tel: 416-445-8700
www.socan.ca

Socan has offices in Vancouver, Edmonton, Montreal and Dartmouth.

Newsletters

Does the tariff allow schools and school boards to include copies of published materials in their mailings? What about including extracts in newsletters?

The tariff includes permission to copy for administrative purposes, including communication to parents and the community. As long as the copying falls within the terms and conditions of the tariff with respect to the amount of the work being copied and the forms of permitted reproduction, the tariff extends to these uses.

Newspapers and Magazines

Are newspapers protected by copyright?

Yes, they are. Newspapers and the individual articles in them are protected by copyright. Permission to copy from newspapers is included in the tariff.

Off-Air Taping

I would like to tape some programs off the television to show in class. Would this be a problem?

The tariff covers published, not broadcast, materials. The Educational Rights Collective of Canada (ERCC) represents the interests of copyright owners of television and radio programs, when these programs are reproduced and performed in public by educational institutions for educational or training purposes. For more information, please visit www.ercc.ca.

Out-of-Print Texts

May a teacher photocopy pages from an out-of-print text book? How do we find out if it is indeed out-of-print?

Regardless of whether the book is in or out-of-print, educators may photocopy from any book so long as they adhere to the terms and conditions of the tariff.

Should you wish to photocopy an out-of-print title in its entirety, please contact us. We will verify the title's status with the publisher and determine if original copies or other editions are available for purchase. If the title is out-of-print in all editions, we may be able to issue a pay-per-use (transactional) licence. Please contact us at licensingadmin@accesscopyright.ca for further details.

Public Domain

What is the public domain?

The public domain includes all works that are not protected by copyright. Generally, works enter the public domain when copyright expires. The term of copyright in Canada is usually life of the author plus 50 years for literary works. Works can also enter the public domain when the creator surrenders all rights in the work to the public domain. When something is in the public domain it can be photocopied or used in any way without asking for permission.

Sale of Copies

Does the tariff allow me to sell copies?

Copies under the tariff may not be sold, but you may recover the direct costs of producing the document: paper, use of the copier and physical making (labour costs) and distribution of copies (postage). Direct costs do not include consultant fees.

Scanning Materials

May I scan material into my computer to make print outs or post on our school network under the tariff?

Although the tariff does permit the use of digital copiers, it does so only for the purposes of making paper copies, and specifically forbids networked use of the resulting digital copies. Scanning and posting to an intranet or the Internet are not permitted under the tariff.

Access Copyright does offer a separate pay-per-use (transactional) digital licensing service. For further information, please contact us at licensingadmin@accesscopyright.ca.

School Boards and Ministries of Education

I work at a school board and would like to make multiple copies of an article for distribution to all board teachers. May I do so under the tariff?

The tariff allows production of as many copies as required for administrative purposes required by the educational mandate of the board. This would include circulation of information to teachers.

I work at a Ministry of Education and would like to make copies of an article for inclusion in a curriculum document for distribution to all school boards and teachers. May I do so under the tariff?

Ministries of Education are not covered by the tariff.

Shared Resources and Copying by More Than One Teacher

I have co-purchased a book with another teacher, and we would each like to photocopy a few pages for our classes. May we both copy?

The tariff does not regulate resource sharing by individual teachers. It does limit the quantity and proportion of copying, but the limits apply to teachers and courses individually. This is because the tariff is intended to ensure that copies supplement but do not replace the use of primary resources in the classroom. Use of the same supplementary material by more than one teacher or in more than one classroom is permitted. Please note that this applies only to material covered by the tariff.

Student Copying

Does the tariff cover student copying?

Yes, but to copy under the tariff, students must adhere to the terms and conditions and the copying must be in support of your school's mandate.

Student Coursepacks

I would like to compile copies of published and teacher-generated material into a binder for distribution to my students. May I do this?

The tariff permits you to assemble a set of copies totaling fewer than 20 pages or coming from fewer than four sources. Assembly beyond these limits constitutes the creation of a course pack, which is not permitted by the tariff.

You may create student course packs by purchasing a separate, pay-per-use (transactional) licence from Access Copyright. Please contact us for further details.

Teacher Federations

Is the work I do for my teachers' federation covered by the tariff?

The tariff is restricted to work connected directly with carrying out the mandate of your educational institution and does not include work done for other organizations, such as your teachers' federation.

Teacher-Produced Materials

I have composed my own, wholly original materials for my class. Is copying of these materials restricted through the tariff?

The tariff does not restrict what you can do with the materials you create.

Visually and Cognitively Impaired Students

I have a student who has a learning disability. He has cerebral palsy and is unable to hold a book or turn the pages. He can however, manipulate text if it's on a computer. May I put the book on computer disk for the student to read?

This use is not covered by the tariff. However, the Copyright Act permits you, at the request of the student with perceptual disabilities, to make a copy in certain formats for the student's benefit. For information about provisions of the Copyright Act that cover making alternate format for persons with perceptual disabilities, please visit the Copyright Policy Branch of Canadian Heritage: www.canadianheritage.gc.ca.

Workbooks and Colouring Books

May I photocopy a colouring book under the tariff?

No, the tariff does not include copyright protected works that are produced for one-time use (such as colouring books).

May I get around this by tracing the picture or by making a free-hand copy?

This would still be considered making a copy of a copyright protected work, but is not covered by the tariff. You need to obtain permission from the copyright owner.

Under what circumstances may we photocopy from workbooks?

As a work produced for one-time use, workbooks are not included in the tariff.

Yearbooks

I supervise the student yearbook committee at my school. Does the tariff allow us to include an illustration from a published work?

This use is not covered by the tariff, for several reasons. First, it is likely that the form of reproduction involved is outside the range of technologies covered (e.g. digital production and storage is likely involved). Second, you need to consider whether the yearbook will be sold for more than the cost of production. If it is, this takes you outside the scope of the tariff. Finally, the tariff gives you permission to make copies, not to republish a work. If there is something you would like to use, it is best to get permission from the copyright owner or through an Access Copyright pay-per-use (transactional) licence. Please contact us at licensingadmin@accesscopyright.ca for further details.