



The ABCs of Your School's Access Copyright Licence

Copying Guidelines

Your school's licence with Access Copyright gives educators permission to copy from a vast repertoire of commercially published books, magazines and newspapers – in advance. As long as you adhere to the copying guidelines, you can copy what you need worry-free. Please note: the licence extends to copying done in support of educational purposes only.

If you have any questions about your licence, please contact Access Copyright at 416-868-1620 (toll-free 1-800-893-5777) or email us at permissions@accesscopyright.ca

Definition of copying includes:

- paper copies
- faxes
- typing and word processing (without adaptation)
- making slides and overheads
- tracing or duplicating from a stencil
- copying onto microform (for research and archival purposes)

You can copy up to 10% of a Published Work or the following, whichever is greater:

- an entire single short story, play, essay, article or poem from a book or periodical containing other works
- an entire article or page from a newspaper, magazine or journal
- an entire entry from a reference work (encyclopedia, dictionary)
- an entire reproduction of an artistic work from a publication containing other works
- an entire chapter from a book, as long as that chapter is 20% or less of the book

Works not covered by the licence:

- items on the Exclusions List
- unpublished works
- consumable items such as workbooks, assignment sheets, and colouring books
- Crown or provincial publications (excluding Québec)
- instruction manuals and teachers' guides; tests and work cards
- sheet music
- original artistic works including photographs or prints
- works published in countries with which Access Copyright does not have a bilateral agreement (see Exclusions List)
- works with a prominent notice excluding them from copying under a collective licence
- photographic negatives or other transparencies (positives), mounted or unmounted.

Number of Copies

One copy for each student in a class and two for each teacher. The school is also permitted to make copies for library and administrative purposes, including communication to parents.

Also not covered by the licence:

- digital or electronic reproduction
- creation of coursepacks or anthologies

Special permissions for libraries

For information regarding special permissions for libraries, please contact Access Copyright at 416-868-1620 (toll-free 1-800-893-5777), extension 280.

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Artistic Works

I would like to make slides of various artistic works from a book for my art class. May I do so under the licence?

You are permitted to make slides of artistic works, but there are certain steps you must follow. First, determine if the artist is living. If the artist is not alive, you may proceed with making the slides. If the artist is living, determine if the work is available for purchase as a slide. If it is not available for purchase, you may proceed. If it is available for purchase, you may only proceed if the artwork is placed in context (e.g. the slide contains the captions and text surrounding the artwork of the publication).

Audio-Visual Materials

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

Tapes and videos fall outside the scope of Access Copyright 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?

Workbooks are excluded from the licence and Access Copyright has no mandate to license copying from them.

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

Provided the work is not available for purchase, your Access Copyright licence permits you to make a copy of a rare or unpublished work in your library's permanent collection to prevent its deterioration or for restoration purposes.

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 my school's Access Copyright licence?

By assembling a collection of published material into a binder for distribution to students, you have essentially created a coursepack. Under the terms and conditions of the licence, copies of published works cannot be assembled in this manner.

Should you wish to create a student coursepack, a separate licence is available and is subject to additional royalties.

Brochures, Leaflets, and Pamphlets

Does our licence 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 your licence. If, however, the publisher is not excluded from your licence, you can copy the brochure within the limits of your licence.

Cartoons

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

Cartoons are included in Access Copyright's licences. Therefore, you may make copies provided the licence 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 any Access Copyright licence. 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 on the book or blackline masters.

CD-ROM

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

Your school's Access Copyright licence does not include permission to print from CD-ROMs. Your school's licence 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 my licence?

Under your licence, a teacher may copy up to 10% of a work per course per year or semester. 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 licence limits. The copying maximums are based on a per teacher per course per year or semester, not on a per student, basis.

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 because I have an Access Copyright school licence? The licence does say it covers magazines.

People aren't always certain about what their licence gives them permission to copy. Most are familiar with the disclaimer found at the front of most books that say "You may not copy from the book without permission from the publisher." The purpose of your licence is to act as the written permission such disclaimers usually require. You may copy within the terms and conditions of your licence, provided the magazine isn't on the Exclusions List. It should also be noted that a small percentage of books have a notice expressly prohibiting anyone from copying, even with a licence from Access Copyright or collective licensing bodies generally. 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 our licence allow me to do this, or is this what is meant by cumulative copying?

Yes, the licence allows you to do this because the licence limits are determined per class, and per semester or 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 licence 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 licence?

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 my licence cover materials published outside Canada?

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

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

Yes, we will try to clear requests that fall outside the terms and conditions of the licence. 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.

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 our licence include permission to do this?

Your Access Copyright licence 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 my licence extend to information downloaded from the Internet?

Your licence 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 licence permits the photocopying of an out-of-print work in its entirety to maintain library holdings at no additional cost provided there are no other editions available for purchase. In order to take advantage of this provision, you must first confirm with Access Copyright that the work is out-of-print in all editions. Permission does not extend to making multiple copies for classroom use. Should a teacher wish to photocopy beyond the percentage limits for an out-of-print work for the classroom, he or she will need a pay-per-use licence.

Location of Copying

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

Your licence defines copying by purpose rather than location. The licence 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 copy shop staff have any questions, please refer them to Access Copyright licensing staff.

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 licence.

Music

Does my school's licence cover the photocopying of sheet music?

No, your school's licence does not cover the photocopying of sheet music.

I have purchased a copy of music that is in the public domain. It has not been adapted or rearranged by the music publisher. The publisher says it is out-of-print and there are no copies for purchase. May I photocopy it?

Public domain works can be copied freely without the need for a licence. Therefore, they are not covered by your school's licence with Access Copyright. Copyright protection extends to each individual, specific version of a work, but does not last forever. Works generally go into the public domain 50 years after the death of the last living creator and may be copied freely.

However, new editions of public domain works often contain notes and other information which are owned by the publisher. These publications may be protected as new, original works. Whether or not a version of a work is in the public domain must be assessed on a case-by-case basis.

If you need help in making this determination, you may contact us.

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 licence.

Music continued

May I reproduce nursery rhymes from a poetry anthology?

Yes you may, provided they comprise no more than 10% of the entire anthology and are not written as verse music.

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 your licence, you may copy up to 10% of a book. For more information, please contact Access Copyright at 416-868-1620 (toll-free 1-800-893-5777) or permissions@accesscopyright.ca.

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

Your school's Access Copyright licence does not include any permission to copy from printed music. Permission must be obtained directly from the copyright owner.

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, it 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 your school's licence with Access Copyright. 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 required to perform music on school premises. However, a licence is not required to play music that is part of the day's classroom instruction. (e.g. As part of the music programme). 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.

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 Access Copyright licence allow schools and school boards to include copies of published materials in their mailings? What about including extracts in newsletters?

The licence 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 licence, with respect to the amount of the work being copied and the forms of permitted reproduction, the licence would extend 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 your licence.

Off-Air Taping

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

Your Access Copyright licence 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 your school's licence with Access Copyright.

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 licence. Please contact us 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 textual 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 licence allow me to sell copies?

Yes, but only on a cost recovery basis. 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.

Scanning Materials

May I scan material into my computer to make print outs or post on our school network under our Access Copyright licence?

It is important to understand that the Access Copyright licence is a photocopying licence. Although the licence 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 licence.

Access Copyright does offer a separate digital licensing service. For further information, please contact us.

School Boards

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 our licence?

The licence 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.

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 licence 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 licence 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 licence.

Student Copying

Does the licence cover student copying?

Yes, but to copy under the licence, students must adhere to the terms and conditions and the copying must be in support of your school's educational 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?

By assembling a collection of published and teacher-generated material into a binder for distribution to students, you have essentially created a coursepack. Under the terms and conditions of the licence, copies of published works cannot be assembled in this manner. Should you wish to create a student coursepack, a separate licence is available and is subject to additional royalties.

Teacher Federations

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

The licence 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 my school's licence?

Your school's licence 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 is not covered by your licence. 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 my school's licence with Access Copyright?

The Access Copyright licence does not include copyright protected works (such as colouring books) that are produced for one-time use.

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. 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 your school's licence with Access Copyright.

However, Access Copyright does offer pay-per-use licences to copy workbooks. Please contact us for further details.

Yearbooks

I supervise the student yearbook committee at my school. Does our school's licence with Access Copyright allow us to include an illustration from a published work?

No, 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 licence. Finally, your licence 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 licence.