

Toronto District School Board

Policy P079

Title: **USE OF COPYRIGHT PROTECTED WORKS**

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Effectuated: December 12, 2012

Revised: **June 18, 2025**

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Authorization: Board of Trustees

1.0 RATIONALE

The Use of Copyright Protected Works Policy (P079) (the “Policy”) affirms the Toronto District School Board’s (TDSB) commitment to the legal and ethical use of copyrighted works as established by the *Copyright Act* in order to foster learning and work environments where respect for creators and copyright holders is an important part of decisions related to the use of works created by others, and that users of works understand their rights and responsibilities as defined by the *Copyright Act* and related legal decisions.

Copyright law provides a framework for users of works to engage in respectful ways with works created by others and with the creators of works. As works created by others are used for learning and work within the Board, respect for copyright demonstrates how much educators, staff and students value original thinking and creation as foundational to learning and the overall goals of the Board.

This Policy is governed by legislation, including the *Copyright Act*, *Education Act* and is consistent with Ministry of Education directions outlined in the Policy/Program Memoranda (PPM) 157 - Use of Copyright-Protected Works for Education and direction provided by the Council of Ministers of Education (CMEC). This Policy is also aligned with the TDSB’s Human Rights Policy (P031), Equity Policy (P037), and the Acceptable Use of Information Technology Resources Policy (P088).

2.0 OBJECTIVE

To provide direction to all staff, students, Trustees, third party service providers, parents/guardians/caregivers, partners, and volunteers, regarding their rights and

obligations in the use of copyright protected works for learning experiences and school or Board business.

3.0 DEFINITIONS

Artificial Intelligence (AI) Tool is a technological system that, autonomously or partly autonomously, simulates human intelligence. AI Tools can create unique content, including images, audio, videos and text, process language, recognize speech, and generate computer programs and creative works.

Board refers to the Toronto District School Board, which is also referred to as the “TDSB”.

Copyright is defined by the *Copyright Act* (R.S.C. 1985, c. C-42)

Copyright Act is the federal statute that governs copyright law in Canada. The *Copyright Act* is intended to balance the interests that people have in using copyright-protected works with the right of creators to receive payment for the use of those works.

Copyright owner refers to a person or company who owns any of the exclusive rights of copyright in a work, or a representative of the copyright owner. This may not be the original creator, as creators may transfer or sell economic rights to their works. The copyright owner of moral rights is always the creator, as these rights are not transferable.

Creator refers to the original author or maker of a work who is entitled to the copyright protections of that work.

Economic Rights refers to protecting the right of creators/copyright owner to receive payment for the use of their work.

Fair Dealing refers to a user's right and responsibilities under the *Copyright Act* that permits the use of, or “dealing” with, a copyright-protected work for certain purposes, including education, without obtaining permission and without paying a fee to the copyright owner, provided the user is able to comply with the restrictions and conditions set out in the *Copyright Act* and case law.

Information Technology Resources include but are not limited to computers, phones, tablets, cellular/mobile technology, computer applications, email, servers, networks, internet services, internet access including access to external websites, data and any other electronic or communication technology provided by the TDSB that exist today or may be developed in the future regardless of whether or not it may be used as a stand-alone device.

Licensed Works refers to works where a specified agreement related to the use of the works is in place. This is typically part of the terms and conditions of a

purchasing agreement but also applies to works where creators have specified license terms using licensing protocols such as Creative Commons licenses.

Moral Rights refers to protection of the integrity of the work and the reputation of the creator.

Technical Protection Measures (TPMs) refers to passwords, IP authentication, digital locks or other measures which restrict user's access.

TDSB refers to the Toronto District School Board, which is also referred to as the "Board".

Use for the purposes of this Policy, refers to the reproduction, modification or communication of a copyright-protected work, in paper or electronic form.

User for the purposes of this Policy, refers to the person who reproduces, modifies or communicates a copyright-protected work, in paper or electronic form.

User's Rights refers to Provisions in the *Copyright Act* that permit use of a copyright-protected work under certain conditions and limits, without obtaining permission and without paying a fee to the copyright owner, user's rights include fair dealing, provided the user is able to comply with the restrictions and conditions set out in the *Copyright Act* and case law.

Works refers to an original expression of an idea in an artistic, literary, musical or dramatic work in a fixed form. An original work is automatically protected by copyright as soon as it is created in a fixed form. Examples of works include but are not limited to: photographs, maps, blueprints, paintings, sculptures, books, pamphlets, computer programs, website content, musical compositions, sound recordings, films, video content, plays, screenplays, scripts, datasets, spreadsheets, and databases.

4.0 RESPONSIBILITY

The Director of Education holds primary responsibility for implementation of this Policy.

Within the Director's Office, the executive oversight and responsibility for coordination and day-to-day management of the Policy is assigned to Associate Director, Student Learning and Equitable Outcomes.

5.0 APPLICATION AND SCOPE

This Policy applies to staff, Trustees, third party service providers, parents/guardians/caregivers, partners, volunteers, and students of the Board.

6.0 POLICY

Conditions and Principles

- 6.1 This Policy supports the Board's commitment to the Truth and Reconciliation Commission of Canada: Calls to Actions and the United Nations Declaration on the Rights of Indigenous Peoples as a framework for reconciliation.
- 6.2 The Board is committed to fostering learning and work environments that respect creators and copyright owners, and where users of works understand their rights and responsibilities as defined by Canadian *Copyright Act*.
- 6.3 It is the responsibility of each TDSB staff member and student to comply with Canada's *Copyright Act*. Staff must set a clear example for students to uphold copyright standards by demonstrating respect for copyright laws and principles.
- 6.4 The Board affirms its commitment to implementation of the *Copyright Act* and balancing the interests of users of copyright-protected works with the right of creators and/or copyright owners, including moral rights to protect the integrity of the work and the creator's right to be associated with the work.
 - 6.4.1 TDSB staff and students will respect creators, by not using their works without permission, except as allowed by the *Copyright Act*. Staff and students must acknowledge the copyright status of works and provide proper attribution when using them (e.g., citation or other method of attribution as indicated by the copyright owner).
 - 6.4.2 TDSB staff and students must respect the *Copyright Act*, including provisions that allow the use of copyright-protected works for specific purposes without payment or permission, provided the prescribed conditions and limits are met. These purposes include, but are not limited to, fair dealing for research, criticism, private study, parody, satire, news reporting, education, libraries, and perceptual disabilities.
 - 6.4.3 TDSB users of works that are protected by Technological Protection Measures (TPMs), passwords, other authentication methods, explicit notices or licenses (including restrictions that may limit user's rights) must be aware that the associated terms and conditions supersede users' rights as defined in the *Copyright Act* and case law.
 - 6.4.4 TDSB staff and students may use copyrighted materials in the course of their employment, teaching or learning, or TDSB related activities, where specific legal rights and responsibilities apply. TDSB staff,

students, and other users of copyrighted materials will follow the parameters for specific scenarios, including but not limited to:

- Fair Dealing
- Use of Licensed Resources
- Technical Protection Measures (TPMs)
- Public Performance Rights for Film, Music and Live Performance
- Use of digital materials
- Emerging digital technologies including, but not limited to, Artificial Intelligence tools
- Materials Created by Staff and Students
- Publication of Materials by the TDSB

Compliance and Education

- 6.5 To support compliance with the *Copyright Act*, the Board will implement the compliance strategies outlined in the Ministry of Education's Policy-Program Memorandum (PPM) 157, Use of Copyright-Protected Works for Education, and the resources and information provided by the Ontario Public School Boards' Association and the Council of Ministers of Education Canada (CMEC) Copyright Consortium.
- 6.6 The Board will communicate on at least a yearly basis with all principals, managers, senior team and Trustees, regarding their responsibilities to share copyright education and compliance materials with all staff and provide ongoing leadership on the use of copyright-protected materials within their schools and departments including that all staff are informed about their rights and obligations under the *Copyright Act*. As such, information related to the Board's Use of Copyright Protected Works Policy (P079) and related procedures will form part of the orientation of new employees.
- 6.7 The TDSB will post this Policy on or near information technology devices that may be used to reproduce, modify or communicate copyright protected works.
- 6.8 TDSB through the Library Learning Resources department will provide copyright education support for use of works, but not limited to, for educational purposes and reviews, and disseminates the annual guidance provided by CMEC to educational staff. TDSB Library Learning Resources also provides professional learning supporting users of copyright protected works in reviewing existing TDSB licences, obtaining licences or acquiring prior written permission for use of copyright protected works.
- 6.9 TDSB staff may consult with the Legal Services department on copyright protected works and the legality surrounding them.

6.10 TDSB staff are encouraged to consult with the Urban Indigenous Education Centre (UIEC) should questions arise when using resources that are created by Indigenous peoples.

7.0 SPECIFIC DIRECTIVES

The Director of Education has authority to issue operational procedures to implement this Policy.

8.0 EVALUATION

This Policy will be reviewed as required, but at a minimum every five (5) years.

9.0 APPENDICES

Not Applicable

10.0 REFERENCE DOCUMENTS

Policies and Procedures:

- Acceptable Use of Information Technology Resources Policy (P088)
- Equity Policy (P037)
- Human Rights Policy (P031)

Legislative Acts and Regulations:

- *Copyright Act*
- *Education Act*

Other Documents:

- Policy/Program Memoranda (PPM) 157 - Use of Copyright-Protected Works for Education
- Council of Ministers of Education (CMEC)

Related Resources:

- Truth and Reconciliation: Calls to Action
- United Nations Declaration on the Rights of Indigenous Peoples