

Provided by: Council of Ministers of Education, Canada (CMEC) Copyright Consortium for the 2024/25 school year

The Fair Dealing Resource for Teachers:
[FairDealingDecisionTool.ca](http://www.FairDealingDecisionTool.ca)

There is a great online resource to help teachers determine whether fair dealing permits them to use short excerpts from copyright-protected materials for the students in their classrooms.

[FairDealingDecisionTool.ca](http://www.FairDealingDecisionTool.ca) helps teachers decide, with a few clicks, whether the fair-dealing provision in the *Copyright Act* permits copying of short excerpts from print materials, artistic works, or audiovisual materials for students without needing to obtain copyright permission.

So, the next time you wonder, “*Can I use this in my classroom? Can I copy it?*” the answer is at your fingertips! It takes 30 seconds on [FairDealingDecisionTool.ca](http://www.FairDealingDecisionTool.ca) to have your copyright question answered. By clicking through this user-friendly resource, you will know whether the use of a short excerpt from a copyright-protected work is “fair.”

www.FairDealingDecisionTool.ca

[FairDealingDecisionTool.ca](http://www.FairDealingDecisionTool.ca) informs teachers about their rights and obligations when they use short excerpts from the copyright-protected works of others. The tool helps ensure that teachers better understand the law and the application of the *Fair Dealing Guidelines*. In addition to the online decision tool, there are other important copyright resources all teachers should become familiar with:

- the [Fair Dealing Guidelines](#)
- the Consumables [poster, which outlines the](#) prohibitions against copying materials intended for one-time use
- [Copyright Matters!](#) (“the orange book”) which provides key questions and answers on copyright law and education

All of these resources can be printed for free for teachers’ easy reference.

[FairDealingDecisionTool.ca](http://www.FairDealingDecisionTool.ca) is a helpful resource to keep teachers on the right side of the law. It is important for teachers to know their rights and their limits under Canada’s copyright law. Use the Fair Dealing Decision Tool when in doubt about whether an intended use is fair.

Visit (and bookmark!) www.FairDealingDecisionTool.ca
<http://www.copyrightmatters.ca>

Copyright and Fair Dealing for Teachers

Teachers and students today have greater opportunities for learning as a result of a Supreme Court of Canada decision in 2012 which clarified how fair dealing applies in the classroom.

Fair dealing permits teachers to communicate or use short excerpts from copyright-protected works for students in their classes without needing to obtain permission from the copyright owner or paying copyright royalties, provided the dealing is for an educational purpose and is “fair.”

Today, fair dealing for educational purposes supports learning, fosters innovation, and drives knowledge creation by providing teachers and students with the legal right to deal fairly with the copyright-protected works of others.

Know your rights. Know your limits.

To ensure compliance with copyright law, the education community in Canada has established the [Fair Dealing Guidelines](#) to help educators determine what is “fair.” The *Fair Dealing Guidelines* describe a safe harbour, not absolute limits. Copying or communicating a copyright-protected work within the prescribed limits will, according to the advice of legal counsel, almost certainly be fair. Copying or communicating beyond those limits may, or may not, be fair.

The *Fair Dealing Guidelines* inform educators about their rights—as well as their obligations. For example, the guidelines prohibit copying from the same source beyond the stated limits. This means that, a teacher who copied 10 per cent of a work could not later copy another 10 per cent of that same work.

To learn more about copyright and fair dealing, teachers are encouraged to visit www.FairDealingDecisionTool.ca. With this online resource, teachers have, at their fingertips, the information they need to decide whether a particular use of a short excerpt is fair or not. All teachers need to be aware of their rights—and their limits—when relying on fair dealing in their classrooms.

Visit (and bookmark!) www.FairDealingDecisionTool.ca.

TEACHERS' USE OF INTERNET MATERIALS

Canada's copyright law has a clear legal framework for the use of internet materials for learning purposes. Copyright law in Canada supports digital learning and the use of the internet in the classroom.

THE INTERNET AMENDMENT

The internet provision in the *Copyright Act* establishes that teachers and students can legally perform routine classroom activities, such as downloading, saving, and sharing publicly available internet text or images. Teachers and students can also incorporate internet materials into assignments and exchange works electronically with one another.

Whereas the copyright law was once silent on activities like surfing and using online resources, Canada's *Copyright Act* now contains a specific internet amendment that explicitly permits teachers and students to use publicly available materials on the internet for educational purposes without having to pay copyright or license fees.

RESPECTING CREATORS

It is important to note that the internet amendment does not allow teachers or students to use any and all material they find on the internet.

The internet amendment applies only to material that has been posted to the internet with the authorization of the copyright holder and without any restrictions to access such as encryption or password-protection. Teachers and students must respect any "digital lock" that in any way restricts access to or use of internet content.

The internet amendment does not apply to materials that are not publicly accessible. Content creators and copyright owners still have the right to continue to sell and receive payment for their works through subscription, password, and payment technologies. In this way, the amendment respects the rights of those creators and other copyright holders who post materials online for commercial purposes.

Note that the internet amendment does not apply to any pirated materials, such as music, books, or films. The education sector has always taught respect for copyright. Students are required to properly cite materials used, no matter what the source, as a matter of appropriate use of material created by others. This practice teaches respect for and recognition of intellectual property. The education sector also reinforces respect for copyright by teaching students the negative effects and consequences of using pirated materials.

To confirm whether a specific internet resource can be used in the classroom under fair dealing, teachers are invited to bookmark and make regular use of www.FairDealingDecisionTool.ca.

INTERNET IN THE CLASSROOM

The internet provides us with access to a wealth of information. Computers and digital technology are invaluable tools in the learning process. Canada's copyright law and its internet amendment ensure that both teachers and students can reap the full benefits of ever-evolving digital technology without harming the interests of copyright owners.

To learn more about teachers' copyright rights and obligations, visit <https://www.cmec.ca/736/Copyright.html>.