

# Alternate Format Materials: Legislation & Responsibilities

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# Canadian Copyright Law

- In 1997 the CCA was updated to include Section 32(1) which dealt with exceptions for persons with perceptual disabilities
- This section covers the reproduction and use of AFM

# Section 32(1)

It is not an infringement of copyright for a person with a perceptual disability\*, for a person acting at the request of such a person or for a non-profit organization acting for the benefit of such a person to

- make a copy or sound recording of a literary, musical, artistic or dramatic work, other than a cinematographic work, in a format specially designed for persons with a perceptual disability;

# Limitations

Subsection (1) does not apply where the work or sound recording is:

- commercially available\*\* in a format specially designed to meet the needs of any person referred to in that subsection, within the meaning of paragraph (a) of the definition “commercially available”.
- there is also a limitation pertaining to large print

# Commercially Available

Commercially available means, in relation to a work or other subject-matter,

- available on the Canadian market within a reasonable time and for a reasonable price and may be located with reasonable effort.

# Perceptual Disability

Is a term created by lawyers to indicate a disability that prevents or inhibits a person from reading or hearing a literary, musical, dramatic or artistic work in its original format, and includes such a disability resulting from

- (a) severe or total impairment of sight or hearing or the inability to focus or move one's eyes,
- (b) the inability to hold or manipulate a book, or
- (c) an impairment relating to reading comprehension

# Legal Responsibility

Use of AFM, however created or acquired, with students who **do not** have a perceptual disability would be a violation of Canadian Copyright legislation unless:

- Resource is purchased commercially or
- Permission is obtained from original author or publisher
- Commercially purchased resources **may not** be copied and distributed

# DoE Regulations

The Department of Education provides curriculum resources in alternate format (AFM) to students who:

- have an exceptionality,
- require the accommodation of AFM and
- meet the Canadian Copyright Act definition of “perceptual disability”.



# Provision of Resources

- Teachers apply to the DoE for individual student access
- Once approved the student is only given access to the specific resources that are required by the student for the current school year
- Student must have hard copy of book
- AFM files provided are password protected – unique username and password for each student



# Responsibilities of People Accessing AFM

Students, parents and teachers who are provided access to AFM resources by the Department of Education are required to take steps to ensure that:

- Federal Copyright Law is respected,
- that these resources are stored in a secure location and
- only authorized users are provided access.

# Responsibility of Providers of AFM

- To inform users of Copyright Restrictions
- To inform users of their responsibilities based on CCA legislation
- To keep AFM files secure and
- Ensure users understand the importance of keeping files secure

# Student Reminders

Each time student logs in to access resources he/she must agree to the following User Agreement:

- Before proceeding to login to use the alternate format materials digital repository, you must be able to agree to all of the following statements. If you are not able to agree to all of these statements, you must click “I Do Not Agree”.
- I am a student with a perceptual disability or an individual working on behalf of a student with a perceptual disability.
- I understand that the files downloaded from this site must not be stored, presented or distributed in any fashion that might be accessible to the general public or unauthorized users.
- I will destroy any digital downloads of alternate format materials at the end of the lending period, or at the end of the current school year, whichever comes first.



# User Agreement (cont)

- Please note that due to copyright legislation, access to these materials is limited to students who have been approved by the Department of Education, parents or guardians of the approved student and the staff of the school working with the student.

# AFM Application and Website Address

Application:

<http://www.ed.gov.nl.ca/edu/forms/studentsupport/applications.html>

Website:

<https://cmaf.gov.nl.ca/>

Department of Education AFM Learning Centre:

[http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/resource\\_center/index.html](http://www.ed.gov.nl.ca/edu/k12/studentsupportservices/resource_center/index.html)

It is important for anyone creating, acquiring or using AFM to stay informed of current copyright legislation

# For More Information

Copyright Board of Canada

<http://laws-lois.justice.gc.ca/eng/acts/C-42/page-21.html>

Balance Copyright

<http://www.ic.gc.ca/eic/site/crp-prda.nsf/eng/home>