
Policy Title: Copyright Policy

Policy No: 6006

Approval Body: Academic Council

Effective Date: February 5, 2014

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Policy Statement

To ensure that copyright legislation and the importance of intellectual property are communicated to the University community in the access and reproduction of learning materials used at University Canada West (UCW).

Purpose

- To advise the University community on University Canada West's compliance with the Copyright Act of Canada and agreements between UCW and licensed reproduction rights organizations;
- To reduce risk to the University that could result from copyright infringement;
- To clarify roles and responsibilities of the University community regarding copyright.

Scope

University Canada West staff, faculty, and students. The Library abides by and upholds all reasonable and technically feasible standards of copyright and fair access and use. The Library must uphold Canadian copyright law and abide by the terms and conditions in licenses. **Ignorance of the law is not a defence.**

Access Copyright

University Canada West has signed a photocopying license with Access Copyright (Access Copyright: Educational Licences: University or Community Colleges <http://www.accesscopyright.ca>) which gives UCW advance permission to photocopy works where the use is not fair dealing, and where works are not in the public domain. UCW pays an annual fee to Access Copyright for this license so that members of the University community can copy excerpts from print materials, such as books and journals, from the Library. The University may be required to report usage on tracking logs and pay additional fees as necessary to Access Copyright.

Handouts for the classroom (Source - Access Copyright)

http://www.accesscopyright.ca/media/28059/pstv_model_licence_schedule_b.pdf (Print and Digital Copying Guidelines Handout)

http://www.accesscopyright.ca/media/28067/pstv_college_model_licence_faqs.pdf (Post-Secondary, Training or Vocational (PSTV) college Model License FAQs for Institutions)

<http://www.accesscopyright.ca/look-up-tool> (Repertoire Look-up Tool)

For published works in Access Copyright's repertoire, UCW Students, Faculty, and Staff can:

- Photocopy, fax, scan and print.
- Store copies, such as on a hard drive, USB stick or on a Secure Network.
- Transmit by email, upload or post copies within a Secure Network.
- Project and display copies, such as on overheads, on LCD or plasma monitors, or interactive whiteboards.
- Make copies for the purposes of interlibrary loan, creating alternate format copies and managing library collections.

- Create Course Collections.

Faculty, students, and staff may make copies for the number of students in the class for the following:

Up to 10% of a repertoire work or make a copy of a repertoire work that is:

- an entire article, short story, play, essay or poem, or reproduction of an artistic work from a volume containing other published works.
- an entire article or page from a newspaper or periodical.
- an entire entry from an encyclopedia or similar reference work or an entire reproduction of an artistic work from a publication.
- one chapter of a book, provided the chapter is no more than 20% of that book.

You may copy up to 20% of a repertoire work or any of the above for a Course Collection and for certain library collection management purposes. This is a summary for ease of reference. For specific terms, please consult the Licence or specific publisher licences for library electronic subscriptions.

Library Reserves

The terms that apply to handouts also apply to materials placed on reserve.

Consult the Library for submitting reserve items.

Coursepacks

Coursepacks (referred to as *Course Collections* in the PSTV License) are paper compilations of published works (such as paper coursepacks) and digital copies of published works that are emailed, linked or hyperlinked, posted, uploaded to or stored on a Secure Network as part of a course of study.

You may copy up to 10% of a single repertoire work or the following and for course collections, you may copy up to 20% of a repertoire work or the following:

- an entire article, short story, play, essay or poem, or reproduction of an artistic work from a volume containing other published works.
- an entire article or page from a newspaper or periodical.
- an entire entry from an encyclopedia or similar reference work or an entire reproduction of an artistic work from a publication.
- one chapter of a book, provided the chapter is no more than 20% of that book.

Librarians can provide customized learning materials for faculty and their students.

Copied materials must be labelled with a reference to the title, author, and publisher (or copyright holder) and publication date of the work AND must be stamped with the Access Copyright stamp (available in the UCW Library). Please consult the Librarians for assistance.

License limits or what is not covered

You can copy any published work in Access Copyright's repertoire. Use the Access Copyright Repertoire Look-Up Tool, available at <http://www.accesscopyright.ca/look-up-tool>.

For more information, contact the Library for information about University Canada West's Access Copyright License.

Digital copies option

UCW elected the Digital Copies option under the Interim Tariff, which provides immediate, advance legal authorization for faculty to make digital uses of material such as scanning and posting copyright protected materials to course websites.

The Digital Copies option:

- is a convenient and legal way to use content in digital format for such uses as posting material to course websites, e-reserves or emailing material to students.
- is easy to follow with copying limits of 20% of a publication.
- provides immediate authorization for faculty to scan material and post to course websites.
- provides advance permission so there are no wait times prior to use of digital content.

Out of print works

Out of print works may be copied only if permission is granted by the copyright holder. Contact the Library to verify a title.

Definitions

These definitions apply to terms as they are used in this policy:

Word/Term	Definition
University	University Canada West
Copyright	Defined in the Copyright Act of Canada (R.S.C. 1999 c. C-42) as “the sole right to produce or reproduce the work or a substantial part thereof in any material form whatever, to perform, or in the case of a lecture to deliver the work or any substantial part thereof in public, or if the work is unpublished, to publish the work or any substantial part thereof...” According to the Act, protection of works is automatic and exists as soon as a work is created and in most cases continues until 50 years after the creator’s death.
Incidental Copying	Photocopies, complying within the limits, restrictions and rules as set out in the Access Copyright license, provided free to each student in a class as handouts. Each copy distributed must be clearly marked with an Access © notice. Our copyright license allows works to be copied from printed formats to printed format up to stated limits and within stated situations without any transfer of ownership.
Fair Dealing	As stated in the Act, allows that small portions of copyrighted works may be copied for the purpose of private study, research, criticism, and review or newspaper summary if the source is clearly cited.
Copy	Any reproduction regardless of the format of the original or the format of the duplicate. A copy (or copies) may apply to reproduction from a variety of format sources, including, but not limited to, books; periodicals, CD-ROM; electronic databases; the Internet; computer software; artwork; written and recorded music; sound recordings; video recordings; illustrations; graphics; and photographs, for instructional or administrative use in any format (print, digital, audio-visual). It includes single and multiple copies and materials produced in foreign countries. It includes materials provided free or at a fee.
Course Collection	Use by an Authorized Person as part of a Course of Study, and whether for required or recommended reading for the Course of Study or otherwise: <ol style="list-style-type: none"> Paper Copies of Published Works assembled into course packs; or Digital Copies of Published Works that are <ol style="list-style-type: none"> emailed, linked or hyperlinked to, or

	(ii) posted, uploaded to, or stored, on a Secure Network.
Exclusions List	A list in PDF format or a searchable database provided by Access Copyright, identifying Published Works that are not Repertoire Works. The Exclusions List can be viewed at: http://www.accesscopyright.ca/media/1771/access_copyright_exclusions_list.pdf
Published Work	A literary, dramatic, or artistic work protected by copyright in Canada, of which copies have been made available to the public with the consent or acquiescence of the copyright owner but excludes a Musical Work.

Related legislation

Copyright Act [C-42] <http://laws.justice.gc.ca/eng/UpdateNotice/index.html?rp14=%2Fen%2FC-42%2Findex.html>

Related policies

Policy Number	Policy Title
6000	Public Performance Rights

Responsibility

University librarians are responsible for updating information about copyright and liaising with Access Copyright licensing and communicating copyright information. Anyone can report copyright infringement to the University Librarians.

All UCW Faculty, students, and staff are required to observe and abide by Canadian and international copyright laws, regulations, and licenses.

Consequences for Copyright Infringement

There are consequences for breaking any law. Breaking or infringing the copyright law is no different. The consequences of infringing the copyright law can be **civil** or **criminal**, and are set out in the copyright legislation. A civil court may decide that money be paid as compensation for damages caused by unauthorized use of a copyright work.

The courts may also impose an injunction to prevent or stop infringing activities. A court has the authority to order the infringing party to account for the profit made from infringing activities and to order that all infringing copies become the property of the copyright owner.

A unique feature of the civil remedy system in the *Copyright Act* is a statutory limit on the amount of damages that a court can award to a copyright owner who has not authorized a collective society to license the photocopying of his or her work. Damages are limited to the amount the copyright owner would have received from a collective, either under an agreement or under a tariff set by the Copyright Board of Canada.

Infringement of the *Copyright Act* can also have **criminal** consequences. These remedies in the *Copyright Act* involve fines and possible imprisonment. The Act provides for a maximum fine of \$1,000,000 where the offence is a serious one. The criminal sections in the *Copyright Act* are traditionally used to deal with commercial piracy. Examples most frequently encountered are copying videotapes/DVD in order to rent or sell them, and selling or dealing in illegal copies of video games, compact discs, computer programs, or music.

Students caught breaking Copyright laws on UCW property or networks may be subject to disciplinary action as outlined in the Student Rights and Responsibilities Policy (9014).

Staff and faculty may be subject to disciplinary actions as outlined in the respective employment contract.