

OLDS COLLEGE POLICIES AND PROCEDURES MANUAL

CATEGORY: **General**

SUBJECT: **Use of Copyright Material**

POLICY NUMBER: **A 29**

CROSS REFERENCE: **A 7 Conflict of Interest**
 A 25 Code of Conduct
 A 27 Web Site Policy
 D 9 Research and Demonstration
 D 31 Academic Integrity

APPROVALS

New/Revision

Board of Governors	Academic Council	Administrative Services	Common Issues
Date: June 28, 2012	Date: June 14, 2012	Date: N/A	Date: N/A

POLICY STATEMENT

Olds College is committed to ethical behavior and integrity in all activities including the **use of copyright material/ work**.

All individuals at Olds College using copyright materials will comply with the federally legislated **Copyright Act** and related laws, which includes protection of the **rights of ownership** of **copyright owners**, and recognition of **user rights** in relation to copyright materials owned by others.

This policy outlines the College’s position on the use of copyright material by members of the institution. The policy

- a) states the College’s position on the legal use of copyright materials by members of this institution;
- b) states the College’s position on the interpretation and application of the *Copyright Act* and related laws;
- c) serves to limit the potential legal liability of the College and its members for copyright **infringement** through the exercise of due diligence when using copyright material; and
- d) provides the basis to identify and implement specific procedures to effect compliance with **copyright laws**.

This policy does not deal with questions of ownership in copyright material created by any person who is subject to the College’s policies, including, without limitation, members of the Olds College community. For information on these ownership rights, refer to the relevant collective agreements or the intellectual property right agreements for research.

SPECIFIC GUIDELINES

Olds College is committed to compliance with the copyright laws. The *Copyright Act* and related laws, as well as related College policy, procedures and legal agreements govern the utilization of all copyright works by **members** of the college community. All members of the College are required to inform themselves of their legal duty regarding use of copyright material and will conduct their actions accordingly.

To use copyright works, members of Olds College will have a number of options, depending on the copyright works to be used.

- a) In some cases, the College has acquired **licenses** allowing **users** access to specific works for limited uses pursuant to negotiated contract terms.
- b) Some uses of copyright works may fall within the user rights provided under the *Copyright Act* and related laws for which no permission is required.
- c) Some further uses may require a process of seeking an express permission from the **author** or copyright owner prior to use.
- d) Where information and/ or clarification are required to facilitate compliance, users may consult with the College **Copyright Advisor**.

As unauthorized use of copyright works is contrary to law and subject to legal recourse, it is the responsibility of each member of the College to exercise care in ensuring proper authorization has been obtained for their particular use. In addition to the entitlement of a copyright owner or their **licensing agent** to hold the College or its member accountable for infringement, the College takes breaches of policy seriously.

Managers, Directors, Deans and Chairs are responsible for taking reasonable steps to implement the policy and ensure the necessary supports are in place to facilitate ongoing compliance.

DEFINITIONS

For the purpose of this policy and associated procedures, the following definitions apply:

- a) **Author:** The person(s) who created and fixed the form of the copyright work, and who are normally the first owner(s) of the copyright in the work.
- b) **Copyright Act/Copyright Laws:** A Federal Act governing matters related to copyright, including regulations there under, including case law which interprets the *Copyright Act*.
- c) **Copyright Advisor:** The copyright advisor works from the Centre for Teaching and Learning, providing information and guidance related to copyright laws, policy and procedures.

- d) **Copyright Material/Work:** Any original literary, dramatic, musical or artistic work created with skill and judgment and fixed in tangible form.

“Original literary, dramatic, musical and artistic work” includes every original production in the literary, scientific or artistic domain, whatever may be the mode or form of its expression, such as compilations, books, pamphlets and other writings, lectures, dramatic or dramatico-musical works, musical works, translations, illustrations, sketches and plastic works relative to geography, topography, architecture or science.

- e) **Copyright Owner/ Rightsholder:** The legal owner of a copyright work who can assert the rights of ownership.
- f) **Infringement:** It is an infringement of copyright for any person to do, without the consent of the owner of the copyright, anything that the *Copyright Act* specifies the owner of the copyright has the exclusive right to do.
- g) **Licences:** Agreements between copyright owners or their licensing agents and end-users to allow for the use of their copyright works by granting prior permission that may be subject to certain terms.
- h) **Licensing Agent:** An individual or organization authorized by the copyright owner to act on their behalf.
- i) **Members:** Olds College faculty, staff, students, researchers.
- j) **Rights of Ownership:** In relation to a copyright work, Section 3(1) of the *Copyright Act* refers to copyright ownership as the sole right to produce or reproduce the work or any substantial part thereof in any material form whatever, to perform the work or any substantial part thereof in public or, if the work is unpublished, to publish the work or any substantial part thereof. Moreover, copyright owners are solely entitled to exploit rights related to translation; conversion; recording; adaptation; communication by telecommunication; public exhibition; rental rights; and have the right to authorize any of the above. Respectively, Sections 15, 18, and 21 of the *Copyright Act* deal with: performers’ rights; rights of sound recording makers; rights of broadcasters.
- k) **Use/User:** Use of a copyright work can include reproduction, transmission, public performance, display and translation. A user is any individual and/or party that makes use of copyright material owned by another.

- 1) **User Rights:** Specific legal rights provided by the *Copyright Act* to facilitate limited use of copyright works without the need for the consent of the copyright owner. Most significant for the College are the right of "fair dealing", and the specific exceptions for educational institutions, libraries, archives and museums.

IMPLEMENTATION AND ADMINISTRATIVE RESPONSIBILITY

Vice President Academic and Research. This policy is to be reviewed every five (5) years.