

POLICY

CATEGORY	A: General	
SUBJECT	Use of Copyrighted Material	
POLICY NUMBER	A29	
CROSS REFERENCE	A7 Conflict of Interest A25 Code of Conduct A27 Web Site Policy A30 Fair Dealing D9 Research and Demonstration D31 Academic Integrity	
ADMINISTRATIVE SERVICES COMMITTEE		ACADEMIC COUNCIL
		April 10, 2018
POLICY STATEMENT		
<p>Olds College is committed to ethical behavior and integrity in all activities including the use of copyrighted work.</p> <p>All individuals at Olds College using copyrighted materials will comply with the federal Copyright Act and related laws, which protects the rights of ownership of copyright owners, and recognizes user rights in relation to copyright materials owned by others.</p> <p>This policy outlines the College’s position on the use of copyrighted materials by members of the institution. The policy</p> <ul style="list-style-type: none"> a) states the College’s position on the legal use of copyrighted materials by members of this institution; b) states the College’s position on the interpretation and application of the <i>Copyright Act</i> and related laws; c) serves to limit the liability of the College and its members when copyright infringement occurs; and d) provides the basis to identify and implement specific procedures to effect compliance with copyright laws. <p>This policy does not deal with questions of ownership in copyrighted materials 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.</p>		
DEFINITIONS		
<p>For the purpose of this policy and associated procedures, the following definitions apply:</p> <ul style="list-style-type: none"> a) Author: The person(s) who created and fixed the form of the copyrighted 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 <i>Copyright Act</i>. c) Copyright Advisor: The person appointed by the College to provide information and guidance related to copyright laws, policy and procedures. d) Copyrighted 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.

e) **Copyright Owner/ Rightsholder:** The legal owner of a copyrighted work who can assert the rights of ownership.

f) **Infringement:** The use of works protected by copyright law without permission, infringing certain exclusive rights granted to the copyright holder, such as the right to reproduce, distribute, display or perform the protected work, or to make derivative works.

g) **Licences:** Agreements between copyright owners or their **licensing agents** and end-users to allow for the use of their copyrighted 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:** As stated in Section 3(1) of the *Copyright Act*, “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:** Includes but is not limited to reproduction, transmission, public performance, display and translation; any individual and/or party that makes use of copyrighted material owned by another.

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

GUIDELINES

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

To use copyrighted works, members of Olds College will have a number of options, depending on the copyrighted 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 copyrighted 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 express permission from the 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 copyrighted 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.

IMPLEMENTATION AND ADMINISTRATIVE RESPONSIBILITY

VICE PRESIDENT Responsible for: Academic

REVIEW PERIOD: 5 Years

PROCEDURE



SUBJECT AND POLICY NUMBER:	
VICE PRESIDENT Sign Off Date:	

APPENDIX A

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VICE PRESIDENT Sign Off Date:	

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APPENDIX B



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VICE PRESIDENT Sign Off Date:	