

**Approval Date: February 11, 2011**

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## Use of Copyright Materials Policy

<b>Office of Accountability:</b>	Provost and Vice President (Academic)
<b>Office of Administrative Responsibility:</b>	Vice-Provost (Learning Services)
<b>Approver:</b>	Board of Governors
<b>Scope:</b>	Academic Staff and Colleagues and Support Staff as outlined and defined in Recruitment Policy (Appendix A and Appendix B) in addition to research and academic employees, third party contractors, professor emeriti, post-doctoral fellows and volunteers.

### Overview

The University of Alberta is committed to ethical behaviour and integrity in all activities including the **use of copyright materials**.

All individuals at the University of Alberta 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 does not deal with acknowledging, defining or dividing the ownership rights in copyright material created by any person who is subject to this University policy as defined by the scope statement. For information on these ownership rights, refer to the University of Alberta's copyright regulations.

### **Purpose**

The policy outlines the University's position on the use of copyright material by **members** of the institution. Effectively, this policy will:

- state the University's position on the interpretation and application of the *Copyright Act* and related laws;
- state the University's position on the legal use of copyright materials by members of this institution;
- serve to limit the potential legal liability of the University and its members for copyright **infringement** through the exercise of due diligence when using copyright material;
- be the basis to identify and implement specific procedures to effect compliance with copyright laws.

### **POLICY**

The University of Alberta is committed to compliance with copyright laws. The *Copyright Act* and related laws, as well as related University policy and procedure, govern the use of all copyright-protected works by members of the institution. All members of the University will endeavour to inform themselves of their legal duty and conduct their actions accordingly.

To use copyright works, members of the University will have a number of options, depending on the copyright works to be used. In some cases, the University has acquired **licences** allowing **users** access to specific works for limited uses pursuant to negotiated contract terms. 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. Some further uses may require a

process of seeking an express permission from the **author** or **copyright owner** prior to use. Where information and/or clarification are required to facilitate compliance, users may consult with the University **Copyright Office**.

As unauthorized use of copyright works is contrary to law and subject to legal recourse, it is the responsibility of each member at the University 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 University or its members accountable for infringement, the University takes breaches of policy seriously.

Deans, Directors, Chairs and Unit heads are responsible for taking reasonable steps to implement the policy and ensure the necessary supports are in place to facilitate ongoing compliance. Non-compliance with this policy constitutes misconduct and may be pursued under the applicable collective agreements, University policy, or law.

## **DEFINITIONS**

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. <a href="#">[▲Top]</a>	
<b>Use</b>	Use of a copyright work can include reproduction, transmission, public performance, display and translation.
<b>Copyright Material / Work</b>	Any original literary, dramatic, musical or artistic work created with skill and judgment and fixed in tangible form.
<b>Copyright Act and Related Laws / Copyright Laws</b>	The federal <i>Copyright Act</i> , RSC 1985 c C-42, including the regulations thereunder and any amendments made thereto, including case law which interprets the <i>Copyright Act</i> .
<b>Rights of Ownership</b>	In relation to a copyright work, Section 3(1) of the <i>Copyright Act</i> 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 <i>Copyright Act</i> deal with: performers' rights; rights of sound recording makers; rights of broadcasters.
<b>User Rights</b>	Specific legal rights provided by the <i>Copyright Act</i> to facilitate limited use of copyright works without the need for the consent of the copyright owner. Most significant for the University are the right of "fair dealing", and the specific exceptions for educational institutions, libraries, archives and museums.
<b>Members</b>	Academic Staff and Colleagues and Support Staff as outlined and defined in Recruitment Policy (Appendix A and Appendix B) in addition to research and academic employees, third party contractors, professor emeriti, post-doctoral fellows and volunteers.
<b>Infringement</b>	It is an infringement of copyright for any person to do, without the consent of the owner of the copyright, anything that the <i>Copyright Act</i> specifies the owner of the copyright has the exclusive right to do.
<b>Licences</b>	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.
<b>User</b>	A user is any member that makes use of copyright material owned by another individual.
<b>Author</b>	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 Owner / Rightsholder</b>	The legal owner of a copyright work who can assert the rights of ownership.
<b>Copyright Office</b>	A division of Learning Services, the Copyright Office centralizes the oversight and management of copyright issues for the University community, providing information and guidance related to copyright laws, policy and procedures. The role of the Copyright Office is the review, development and implementation of best practices related to the use of copyright materials at the University, as well as the review, development and implementation of a communication and education plan to enhance awareness and “copyright literacy” across the University community.
<b>Licensing Agent</b>	An individual or organization authorized by the copyright owner to act on their behalf.

## **RELATED LINKS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[Copyright Act and Regulations](#) (Department of Justice)

[Copyright Office](#) (University of Alberta)

[Fair Dealing Guidelines](#) (University of Alberta)

[Human Resources – Academic Staff Agreements](#) (University of Alberta) (Note, the University’s copyright regulations are appended to the agreements.)

[Recruitment Policy \(Appendix A\) Definition and Categories of Academic Staff and Colleagues](#) (UAPPOL)

[Recruitment Policy \(Appendix B\) Definition and Categories of Support Staff](#) (UAPPOL)

## **PUBLISHED PROCEDURES OF THIS POLICY**

[Use of Copyright Materials Procedure](#)