



Policy on the Use of Copyright-Protected Materials

Classification:	Copyright
Responsible Authority:	University Librarian
Executive Sponsor:	Academic Vice-President and Provost
Approval Authority:	President's Council
Date First Approved:	2016-01-01
Date Last Reviewed:	
Mandatory Review Date:	2017-01-01

PURPOSE

As an institution of higher learning that strives for excellence in all our activities, St. Francis Xavier University (StFX) engages responsibly in the production and sharing of knowledge. StFX aims to provide the campus community with access to relevant works that are necessary in order to attain the highest standards of learning, teaching, and research. Where such information is copyright-protected, StFX is committed to respecting copyright laws and the proprietary intellectual property rights of knowledge creators.

This policy outlines StFX's position on the use of copyright-protected material by members of the institution. Effectively, this policy will:

- state StFX's position on the legal use of copyright-protected materials by members of this institution;
- state StFX's position on the interpretation and application of the *Copyright Act* and related laws;
- be the basis to identify and implement specific procedures to effect compliance with copyright laws.

SCOPE

This policy applies to anyone including, but not limited to, faculty, staff, and students of StFX and the separately incorporated entities, who use copyright material at StFX or through a website run by StFX.

DEFINITIONS

Any definitions listed below apply to this document only with no implied or intended institution-wide use.

Word/Term	Definition
Author	The person(s) who created and fixed the form of the copyright-protected work, and who are normally the first owner(s) of the copyright in the work.
Copyright Act / Copyright Laws	A Federal Act governing matters related to copyright, including regulations there under, and including case law which interprets the Copyright Act.
Copyright-Protected Material/Work	Any original literary, dramatic, musical or artistic work created with skill and judgment, other than those exceptions listed in the Copyright Act.
Copyright Owner / Rightsholder	The legal owner of a copyright-protected work who can assert the rights of ownership.
Copyright Support Team	A group of StFX employees who, under the oversight of the University Librarian, provide members of the campus community with copyright and user rights education, and licensing support.
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 (see Rights of Ownership below).
Licenses	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. StFX (or sub-entities thereof) has entered into agreements with some copyright owners to allow the ongoing use of some specific copyright material. Various sub-entities of StFX (e.g. departments, schools, societies) may enter into such agreements for the purposes of their membership, staff or students.
Licensing Agent	An individual or organization authorized by the copyright owner to act on his/her behalf.
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.

Use/User

Use of a copyright-protected work can include reproduction, transmission, public performance, display and translation. A User is any individual and/or party that uses copyrighted material owned by another.

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 StFX are the right of "fair dealing" and the specific exceptions for educational institutions, libraries, archives and museums.

POLICY

StFX is committed to compliance with copyright laws. The *Copyright Act*, as well as related StFX policies and procedures, govern the utilization of all copyright works by members of StFX. As members, all faculty, staff and students are expected to inform themselves of their legal duty and conduct their actions accordingly.

To use copyright-protected works, members of the StFX community will have a number of options available to them, depending on the copyright-protected works to be used:

- Some uses of copyright-protected works will be insubstantial and therefore will not require the permission of the copyright owner.
- Some uses of copyright-protected works may fall within the user rights provided under the *Copyright Act* for which no permission is required (for example, fair dealing and/or allowances under the educational exception).
- Some uses will be covered under the Copyright Act's specific allowances for the use and copying of materials for individuals with perceptual disabilities.
- Some copyright owners will have applied a Creative Commons license to their work, or will have made their work available in open access, which will allow predefined uses.
- In some cases, StFX (or a sub-entity thereof) has acquired licenses allowing users access to specific works for limited uses pursuant to negotiated contract terms.
- Some further uses may require a process of seeking an express permission from the author or copyright owner prior to use.

Where information, permission-seeking, and/or clarification are required to facilitate compliance, users may consult with the Copyright Support Team.

As unauthorized use of copyright works is contrary to law and subject to legal recourse, each member of StFX is responsible for exercising care in ensuring that proper authorization has been obtained in cases where a particular use is not covered under one of the other options listed above.

PROCEDURE

<u>Action</u>	<u>Responsibility</u>
1. Copyright Compliance	
1.1 Consult StFX Copyright Resources	
1.1.1 Consult the StFX Campus Copyright Guide for copyright and digital copyright information when using a copyright-protected work.	All StFX Members
1.1.2 Consult the Copyright Support Team with any questions related to uses not clearly addressed in the Campus Copyright Guide.	All StFX Members
1.2 Obtain Permission	
1.2.1 For coursepacks produced by the Campus Store, obtain copyright release for all material not covered under Fair Dealing or other institutional licenses, and pay associated costs.	Campus Store Employees
1.2.2 For material shared with students through any means other than coursepacks (in cases identified in 1.1.2), obtain copyright release for all material not covered under Fair Dealing or other institutional licenses, and pay associated costs.	Copyright Support Team
1.2.3 For any published work produced by a department that is not included in 1.2.1 or 1.2.2, obtain the required copyright release(s) and pay associated costs.	Departmental Employees
1.3 Records Management	
1.3.1 Forward all documentation on copyright permissions and negotiated arrangements obtained by a department or the Campus Store to the Copyright Support Team.	Departmental Employees, Campus Store Employees
1.3.2 Keep all documentation on copyright permissions and negotiated arrangements obtained by a department, the Campus Store, and the Copyright Support Team.	Copyright Support Team

RELATED MATERIALS

Internal:

[StFX Campus Copyright Guide](#)

[StFX Fair Dealing Guidelines](#)

External:

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

[Guidelines for the Use of Copyrighted Material](#) (CAUT)

This policy is adapted with permission from [Memorial University's Use of Copyright Materials Policy](#).