

ADDENDUM 1: Copyright Guidelines

Policy Name:	COPYRIGHT POLICY FOR FACULTY & STAFF
Policy Number:	ADM-002G

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COPYRIGHT GUIDELINES & INFORMATION

What Is Copyright?

Copyright is the sole and exclusive right of a copyright owner to produce, reproduce, perform, publish, adapt, translate and telecommunicate a work, and to control the circumstances in which others may do any of these things.

Copyright law in Canada protects a wide range of works including films, music, artistic works as well as books.

Copying or scanning can be carried out under any one of the following circumstances:

1. The work is in the Public Domain
2. Copying is explicitly allowed by the rights holder through a Creative Commons or Open Access license or similar statement. A condition of using items under a CC license is proper attribution.
3. The work is appropriately licensed by the library. [Click here](#) for information on linking to articles in subscription databases.
4. Permission has been granted by the rights holder (usually the author or publisher). [Click here](#) for information on obtaining permissions.
5. The copying falls within one of the educational exceptions or fair dealing provisions of the Copyright Act. The Copyright Act provides exceptions which allow copying, in paper or electronic form, under certain circumstances for universities or persons acting under the authority of a university. The Canadian Institute of Colleges has created a Fair Dealing Policy, which clearly explains fair dealing for educational institutions.

What Are The Educational Exceptions In The Copyright Act?

The following activities are permissible in an educational institution and by persons acting under the authority of an educational institution without obtaining permission from the copyright holder:

- Reproduce a work, or do any other necessary act, in order to display the work for education. However, this exception is not available, except in the case of manual reproduction (e.g. onto a dry-erase board, flip chart or other surface intended for displaying handwritten material) for works that may be located with reasonable effort, are commercially available on the Canadian market within a reasonable time and for a reasonable price, in a medium appropriate for education purposes;
- Copy, translate, perform or communicate by telecommunication a work for an examination or test on the premises of the educational institution, unless the work is 'commercially available' in a medium or format appropriate for the instructor's purpose or unless a 'motive of gain' is involved.
- Reproduce enactments and consolidations of enactments of the Government of Canada, and decisions and reasons for decisions of federally-constituted courts and administrative tribunals, provided due diligence is exercised in ensuring the accuracy of the reproduced materials and the reproduction is not represented as an official version.
- Copy an entire work (other than a cinematographic work) into an alternative format including translation, adaptation and performance in public (except the making of a large-print book) for the purpose of serving students with perceptual disabilities as long as such an adaptation is not already commercially available in that format.
- Live performances, primarily by students are permissible if the performance takes place on the premises of the educational institution, is for educational purposes, is not for profit, takes place primarily before an audience consisting primarily of students and instructors of the educational institution, and does not involve a motive of gain.
- Sound recordings protected by copyright can be played in the classroom with the same conditions as live performances.
- Broadcasts: make a single copy of a work at the time that it is communicated to the public by telecommunication; and keep the copy for up to 30 days to decide whether to perform the copy for educational purposes. After 30 days the work must be destroyed unless royalties are paid and any terms and conditions, fixed under the Copyright Act for the making of the copy are complied with. Legal posted online sources can be played in a class at any time.

Note: If there is a need to copy outside the above exceptions & guidelines, other sources of permission, including permission from the copyright holder, can be considered.

Copying Under Fair Dealing

Click for information on copying under Fair Dealing, as explained by the Canadian Institute of Colleges.

Disclaimer

1. These Copyright Guidelines have been prepared by the Library and efforts have been made to ensure accuracy and currency.
2. However, they are intended for the education of the College community and should not be construed to be legal advice nor College policy.

What is the Public Domain?

What is meant by ‘the public domain’? How do I know if something is public domain? The term “public domain” refers to works in which copyright has expired or where the copyright owner has made a clear declaration that they will not assert copyright in the work. Generally they may be freely used. In Canada copyright of a work usually exists for the life of the author, the remainder of the calendar year in which the author dies, and for 50 years following the end of that calendar year. After that time, the work becomes part of the public domain and may possibly be copied at will. For example, Shakespeare’s plays are part of the public domain and anyone can produce or publish them. There are, however, exceptions to the general rule of the life of the author plus 50 years: if a work that was originally published more than 50 years ago is reproduced from a source published within the last 50 years, it must be cleared through that publisher. Also, in the case of photographs, cinematographs, and sound recordings, the term is 50 years from the making of the negative or master respectively.

What is Creative Commons?

Creative Commons is a nonprofit organization that enables the sharing and use of creativity and knowledge through free legal tools. It allows copyright owners to provide users with varying degrees of access to their works. The author of a book, for example, can put that book online under a Creative Commons license that allows users to copy all or part of the book, even for commercial purposes. There is a constantly growing body of useful works online that you can find by using the search feature on the Creative Commons website, or through various search engines--for example, by using Google's advanced search feature.

Linking to Articles - the correct way!

It is advisable to make links (rather than copies) wherever possible. The College Library subscribes to a large number of subscription databases. The agreements that the College Library negotiates with its database vendors allow use of licensed material for research, instruction, and educational purposes. Commercial use of licensed material is not allowed under the terms of our database licenses. Generally the license terms, in most cases, allow you to print or download a copy of an article for yourself and to post persistent links to journal articles from your course website or through Library e-reserve. Each database has a unique license and allows their work to be used in different formats. We do provide specific licensing information on our database list - you can find a list of all of our research databases.

How Do I Obtain Permission?

Permission from copyright holders is often needed when creating course materials, research papers, and web sites. You need to obtain permission when you use a work in a way that infringes on the exclusive rights granted to a copyright holder if it falls outside the boundaries of fair dealing or other exceptions under the Copyright Act.

Steps that need to be followed to obtain permission to use copyrighted material:

1. Determine if permission is needed for the work you want to use.
2. Exceptions to the need to obtain permission include: material that specifically states that it can be used freely, and material in the 'public domain' (material where the creator has been dead for over 50 years or has donated the material to the public). This material still needs to be attributed to the owner of the work (cited).
3. Identify the copyright holder or agent. You can usually obtain the Permissions contact email address on the Publisher's website.
4. Send written request for permission to use. Remember to give yourself ample lead time, as the process for obtaining permissions can take months. Decide if you are willing to pay a licensing fee/royalty.
5. If the copyright holder can't be located or is unresponsive (or if you are unwilling to pay a license fee), be prepared to use a limited amount that qualifies for fair dealing, or use alternative material.

When you are making a request to copy remember to include all relevant information so that your request is not delayed. Clearly state that no changes will be made to the material and that acknowledgement to the author and rights holder will be given.

Always keep a copy of the permission request and the copyright holder's response, as well as forwarding it to the College Printshop for a permanent record.

Your email to the copyright holder should include:

- | | |
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| <input type="checkbox"/> Date of your request | <input type="checkbox"/> Author(s) |
| <input type="checkbox"/> College Course Name | <input type="checkbox"/> Editor(s) |
| <input type="checkbox"/> Course Code | <input type="checkbox"/> Page Range to be Copied |
| <input type="checkbox"/> Instructor | <input type="checkbox"/> Chapter # & Title (if applicable) |
| <input type="checkbox"/> Term Start & End Date | <input type="checkbox"/> Number of Copies to be made |
| <input type="checkbox"/> Date Material will be Needed | <input type="checkbox"/> Type of Copying (Digital on a password protected site) / Print for class handouts) |
| <input type="checkbox"/> Source Title | <input type="checkbox"/> For Classroom Educational Use (Yes/No) |
| <input type="checkbox"/> ISBN, ISSN or URL (if applicable) | |
| <input type="checkbox"/> Year Published | |

Database Usage Permission

Database Name	Link for Copyright Usage
Academic Search Complete	http://bceln.ca/licence/undergraduate-foundation-collection-ufc
Access Science	http://www.eln.bc.ca/licences/view.php?dbid=3
Biomedical Reference Collection	http://ehlbc.ca/resources/140
Business Source Premier	http://bceln.ca/licence/undergraduate-foundation-collection-ufc
Britannica Academic	http://www.eln.bc.ca/licences/view.php?dbid=24
Canadian Literary Centre	http://www.eln.bc.ca/licences/view.php?dbid=3
Canadian Newstand	http://www.eln.bc.ca/licences/view.php?dbid=57
Canadian Reference Centre	http://www.eln.bc.ca/licences/view.php?dbid=61
Canadian Research Index	http://www.eln.bc.ca/licences/view.php?dbid=20
Canadian Business & Current Affairs (CBCA) Reference and Current Events	http://www.eln.bc.ca/licences/view.php?dbid=16
CINAHL	http://ehlbc.ca/resources/15
Criminal Justice Abstracts	http://www.eln.bc.ca/licences/view.php?dbid=73
ERIC	http://www.eln.bc.ca/licences/view.php?dbid=25
MedLine	http://ehlbc.ca/resources/379
Oxford English Dictionary	http://www.eln.bc.ca/licences/view.php?dbid=12
PsycArticles	http://ehlbc.ca/resources/384
PsycInfo	http://ehlbc.ca/resources/383
World Book	http://www.eln.bc.ca/licences/view.php?dbid=139