

Use of Copyright Materials Policy POL 1610

Policy Type:	Management with Academic Implications		
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A. OVERVIEW

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

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

B. PURPOSE

This Policy does not deal with questions of ownership of copyright materials created by Mount Royal University faculty, staff, or students.

This Policy outlines the University's position on the use of copyright material by members of the University community. Effectively, this Policy will:

- (1) state the University's position on the legal use of copyright materials by members of the University community, including employees and students;
- (2) state the University's position on the interpretation and application of the *Copyright Act* and related laws;
- (3) serve to limit the potential legal liability of the University and its employees for copyright infringement through the exercise of due diligence in use of copyright material; and
- (4) be the basis to identify and implement specific procedures to effect compliance with copyright laws.

C. SCOPE

This Policy applies to all members of the University community.

D. POLICY STATEMENT

Mount Royal University is committed to compliance with copyright laws. The *Copyright Act* as well as related University policy and procedures govern the utilization of all copyright works by members of the University community. As members of the institution, all employees and students are required to inform themselves of their legal duty and will not use copyright material without ensuring that prior permission has been obtained from the copyright holder or unless permitted under the *Copyright Act*.

To use copyright works, members of the University community 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* for which no permission is required, such as fair dealing and other exceptions. Some further uses may require a process of seeking an express permission from the **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 individual at the University to exercise care in ensuring proper authorization has been obtained for their particular use, if required. In addition to the entitlement of a copyright owner or their **licensing agent** to sue the University and employees or students for **infringement**, the University takes breaches of policy seriously. Incidents of non-compliance by employees may lead to disciplinary action up to and including termination, under University policy and/or the relevant collective agreement. Students who are in violation of the Policy may be disciplined under the *Student Code of Conduct*.

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

E. DEFINITIONS

- (1) "**Copyright Act/Copyright Laws**" means a Federal Act governing matters related to copyright, including regulations thereunder and including case law which interprets the *Copyright Act*.
- (2) "**Copyright Office**" means the office that centralizes the management of copyright issues for the University community and provides information and guidance and education related to copyright laws, policy, and procedures.
- (3) "**Copyright Material/Work**" means any original literary, dramatic, musical, or artistic work created with skill and judgment and fixed in tangible form.
- (4) "**Copyright Owner/Rightsholder**" means the legal owner of a copyright work who can assert the rights of ownership.

- (5) **"Infringement"** means any person who does, 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.
- (6) **"Licences"** are 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. Mount Royal University has entered into agreements with some copyright owners to allow the ongoing use of some specific copyright material.
- (7) **"Licensing Agent"** means an individual or organization authorized by the copyright owner to act on their behalf.
- (8) **"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: performer's rights; rights of sound recording makers; rights of broadcasters.
- (9) **"Use/User"** - The Use of a copyright work includes reproduction, transmission, public performance, display, and translation. A User is any individual and/or party that uses copyright material owned by another.
- (10) **"User Rights"** means 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 University is the right of "fair dealing" and the specific exceptions for educational institutions, libraries, archives, and museums.

RELATED LINKS

Published Procedures of this Policy

Compilation of Coursepacks Procedures
Library Reserves Procedures

References

[Copyright Act and Regulations](#) (Department of Justice, Canada)
Guidelines on Copying Materials (Association of Universities and Colleges of Canada)