



## USE OF COPYRIGHT MATERIAL

This document is the parent policy for any College procedures. Questions regarding this policy are to be directed to the identified Policy Owner.

<b>Category:</b>	A. General
<b>Policy Number:</b>	A29
<b>Approval Date:</b>	May 24, 2023
<b>Effective Date:</b>	May 24, 2023
<b>Policy Owner:</b>	Vice President, Academic

<b>Objective:</b>	All individuals at Olds College using <b>copyrighted materials</b> will comply with the federal <b>Copyright Act</b> and related laws, which protects the <b>rights of ownership of copyright owners</b> , and recognizes <b>user rights</b> in relation to copyright materials owned by others.
<b>Policy:</b>	<p>Olds College is committed to upholding the legal responsibility for the use of copyrighted work. This policy applies to all members of the College community including students, faculty, staff, contractors and volunteers.</p> <p>This policy outlines the College’s position on the use of copyrighted materials by members of the institution. The policy</p> <ol style="list-style-type: none"><li>states the College’s position on the legal use of copyrighted materials by members of this institution;</li><li>states the College’s position on the interpretation and application of the <i>Copyright Act</i> and related laws;</li><li>serves to limit the liability of the College and its members when copyright infringement occurs; and</li><li>provides the basis to identify and implement specific procedures to effect compliance with copyright laws.</li></ol> <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 and/or the intellectual property rights policy or agreements for research.</p> <p>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.</p>

## Definitions:

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

**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.

**Copyright Act/Copyright Laws:** A Federal Act governing matters related to copyright, including regulations there under, including case law which interprets the Copyright Act.

**Copyright Advisor:** The person appointed by the College to provide information and guidance related to copyright laws, policy and procedures.

**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.

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

**Fair Dealing:** User rights, under copyright law, by which materials may be used without requiring permission or payment.

**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.

**Licenses:** 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.

**Licensing Agent:** An individual or organization authorized by the copyright owner to act on their behalf.

**Members:** Olds College faculty, staff, students, researchers.

**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 converting the material to another format for the purpose of sale, rent, or presentation.

**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.

**User Rights:** Specific legal rights provided by the *Copyright Act* to facilitate under

	<p>certain conditions the 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 and libraries. Refer Procedure A29 Section 3: Fair Dealing,</p>
<b>Related Information:</b>	<p>A7 Conflict of Interest          A25 Code of Conduct          A27 Web Site Policy          D09 Research and Demonstration          D31 Academic Integrity  <a href="#">Copyright Act of Canada</a>  <a href="#">Fair Dealing Decision Tool</a>  <a href="#">Fair Dealing Guidelines (poster)</a></p>
<b>Related Procedures:</b>	<p>A29 Use of Copyright Material Procedure</p>
<b>Review Period:</b>	<p>3 Years</p>
<b>Revision History:</b>	<p>New: April 2018          Revised: May 2023</p>