

## USE OF COPYRIGHT MATERIALS

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Owner.

<b>Category:</b>	A. General
<b>Parent Policy:</b>	A29
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<b>Procedure Owner:</b>	Director, Teaching and Learning Centre of Innovation

<b>Overview:</b>	<p>The following procedures outline how faculty and staff, when using materials beyond what is allowable under Fair Dealing, will request permission to use copyright materials from the copyright holder and the process for handling requests from outside the college for use of materials for which the college owns the copyright.</p> <p>The Teaching &amp; Learning Centre of Innovation (TLCI) Library staff provide guidance and education regarding copyright issues.</p>
<b>Procedures:</b>	<p>To use copyrighted works, members of Olds College will have a number of options, depending on the copyrighted works to be used.</p> <ol style="list-style-type: none"> <li>a. In some cases, the College has acquired licenses allowing users access to specific works for limited uses pursuant to negotiated contract terms.</li> <li>b. Some uses of copyrighted works may fall within the user rights provided under the Copyright Act and related laws (Fair Dealing), for which no permission is required.</li> <li>c. Some further uses may require a process of seeking express permission from the copyright owner prior to use.</li> <li>d. Where information and/ or clarification are required to facilitate compliance, users may consult with the College librarian.</li> </ol> <p>It is the responsibility of each member of the college community to exercise care in ensuring proper authorization has been obtained for their particular use.</p> <p><b>1. Obtaining permission to use copyrighted materials</b></p> <ol style="list-style-type: none"> <li>1.1. Is permission needed? (Does it fall under fair dealing or public domain? Does the college already have a license to use it?)</li> <li>1.2. Identify the rights needed. (What is being requested, for what purpose, for how long, and for how many people?)</li> <li>1.3. Contact the copyright holder, using the <a href="#">Copyright request letter</a>, and determine if a fee applies for the use. You can search for copyright holders by the ISBN of the item on the <a href="#">Access Copyright website</a>.</li> </ol>

- 1.4. Get the permission agreement in writing (the permission form is at the bottom of the initial request letter); then file the agreement in the Institutional Academic Document Repository, under Copyright Permission Received with the name of the copyright holder as the title.

## 2. Granting permission to use college copyright-owned material

- 2.1. Establish that the College holds the copyright for the requested materials
- 2.2. Forward all copyright permission requests to your Manager, Director, Dean and/or Associate Dean
- 2.3. The Manager, Director, Dean and/or Associate Dean will determine whether to grant or deny permission based on content, quantity, and possible negative impact on the college, either financially or the college's reputation. (eg, course packs and modules represent a substantial financial investment; requests from other institutions to use entire courses could possibly affect enrollment, or if materials requested are out of date or inaccurate)
- 2.4. The Manager, Director, Dean and/or Associate Dean will grant (or deny) permission in writing, using the Copyright granted letter (or the Copyright denied letter), specifying what the material is, how it is to be used, for how long, for how many, or giving the reason why the request was denied..
- 2.5. Completed letters are signed, sent, and a copy is filed in the Institutional Academic Document Repository, under Copyright Permission Granted/Denied, using the name and institution of the requester as the title.

## 3. Fair Dealing

The fair dealing provision in the Copyright Act permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties.

To qualify for fair dealing, two tests must be passed.

- a) the "dealing" must be for a purpose stated in the Copyright Act: research, private study, criticism, review, news reporting, education, satire, and parody.
- b) the dealing must be "fair." The Supreme Court of Canada has defined six factors to consider when assessing fairness: purpose, character, amount, nature, effect, and alternatives to the dealing. Tips for conducting a fair dealing analysis can be found on the University of Alberta website.

Educational use of a copyright-protected work passes the first test.

Refer to the Fair Dealing Guidelines and the Fair Dealing Decision Tool when determining use of materials for instruction.

## Definitions:

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

**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,

	<p>dramatic or dramatico-musical works, musical works, translations, illustrations, sketches and plastic works.</p> <p><b>Fair dealing:</b> User rights, under copyright law, by which materials may be used without requiring permission or payment.</p> <p><b>Licenses:</b> 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.</p> <p><b>Licensing Agent:</b> An individual or organization authorized by the copyright owner to act on their behalf.</p> <p><b>Members:</b> Olds College faculty, staff, students, and researchers.</p> <p><b>Permission:</b> Allows the user to make use of copyright material, beyond what is allowed under fair dealing, obtained from the copyright holder</p> <p><b>Public Domain:</b> The material that is no longer covered by copyright due to the amount of time that has elapsed since the copyright holder has died (70 years).</p> <p><b>Use/User:</b> 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.</p>
<p><b>Related Information:</b></p>	<p><a href="#">Access Copyright Website</a>  <a href="#">Copyright Act of Canada</a>  <a href="#">Copyright Granted Letter</a>  <a href="#">Copyright Denied Letter</a>  <a href="#">Copyright Request Letter</a>  <a href="#">Fair Dealing Decision Tool</a>  <a href="#">Fair Dealing Guidelines (poster)</a>  <a href="#">University of Alberta Fair Dealing</a></p>
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