

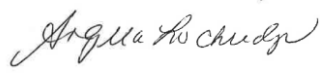
# Copyright Policy

## AD-019

Version	Version Date (MM/DD/YYYY)	Review Date (MM/DD/YYYY)	Description of Changes
04	09/30/2020	9/30/2025	

Dean of Students	Brian Muscat	
<b>Policy Holder</b>	<b>Print Name</b>	<b>Date (07/07/2020)</b>

College Council	
<b>Advising Body</b>	<b>Date Consulted (09/30/2020)</b>

Angela Lockridge	VP Student Success & Corporate Services	
<b>Approver</b>	<b>Print Name</b>	<b>Date (09/30/2020)</b>

## Purpose

The College respects the rights of copyright owners. The purpose of this policy is to ensure Georgian College adheres to the Canadian [Copyright Act](#), case law decisions, and international trade agreements as they relate to reproduction, copying, and distribution of copyright material. This policy defines acceptable use of copyright protected materials and outlines the responsibilities of users.

Copyright serves two public policy objectives. Copyright law provides creators with legal rights to control who uses their works, under what circumstances, and at what cost. The second objective permits the legal use of creators' works for the public good.

## Scope

This policy applies to all employees, students, and any others who copy or make use of copyright-protected materials at Georgian College.

## Definitions

Word/Term	Definition
<i>Acceptable use</i>	A set of rules that define the way in which copyrighted material may be used.
<i>Access Copyright</i>	Officially named <i>The Canadian Copyright Licensing Agency</i> , a non-profit copyright collective that represents creators and publishers. It provides license to use works in their repertoire.
<i>Case Law</i>	Precedent setting Supreme Court of Canada cases that interpreted fair dealing in a non-profit educational institution.  <a href="#">CCH Canadian Ltd. V. Law Society of Upper Canada, [2004] 1 S. C. R. 339, 2004 SCC13</a>  <a href="#">Alberta (Education) v. Canadian Copyright Licensing Agency (Access Copyright), 2012 SCC 37</a>
<i>Copy</i>	To reproduce by any means, including but not limited to photocopying, printing, photographing, scanning, downloading, copying, pasting text, and screen captures.
<i>Copyright</i>	The right to produce or reproduce a work.  Copyright is the legal right of the owner to protect their intellectual property. Only copyright owners have the right to decide when and how their work is copied. Copyright protection exists whether or not a copyright symbol appears on the work.  Copyright includes a legal provision for users to copy or reproduce a legally protected work (literary, dramatic, artistic, musical works, sound recordings, performances, communication signals) subject to limits and restrictions.
<i>Copyright Act</i>	The Canadian <i>Copyright Act</i> is the federal statute governing copyright law.

<i>Copyright compliance</i>	The act or process of complying with copyright law.
<i>Copyright holder</i>	The entity holding the copyright of a creative work.
<i>Copyright infringement</i>	The illegal use of a copyright-protected work(s).
<i>Copyright owner</i>	The creator of a work.
<i>Copyright permission</i>	Consent from a copyright owner to use their creative material.
<i>Course Packs</i>	A custom-created set of materials curated by the professor, comprised of their own work, compilation of other authored works (newspaper or magazine articles, chapters or excerpts from books ), or a combination of the above, as course resources for students to purchase.
<i>Custom Publication</i>	A book that is tailored to include only the chapters a professor will use in their course.
<i>Fair Dealing</i>	<p>An exception in the <i>Copyright Act</i> that permits a work to be used for the purposes of research, private study, education, parody or satire, criticism, review, and news reporting within an educational institution.</p> <p>To qualify for fair dealing, two tests must be passed: a) the “dealing” must be for one of the purposes stated above and b) the dealing must be considered “fair” in accordance with the six factors as outlined in the <i>Copyright Act</i>. These six factors include the purpose of the dealing, character of the dealing, amount of the dealing, availability of alternatives to the dealing, nature of the copyright-protected work, and effect of the dealing on the copyright-protected work.</p>
<i>International trade agreements</i>	When two or more nations agree on terms of trade between them, e.g. Canada-United States-Mexico Agreement (CUSMA).
<i>Licensing agreements</i>	A formal contract regarding the use of copyright material.
<i>Specialized Publications</i>	Complete works from external organizations that are NOT compilations of your own work (e.g. apprenticeship manuals).
<i>User</i>	Any individual at Georgian College who makes use of a copyright-protected work.

## Responsibility

- **Library Services** is responsible for:
  - maintaining and developing Georgian College's Copyright Policy as required and in accordance with case law decisions, legislation, and governing bodies' updates relevant to copyright procedures;
  - communicating all changes to copyright as applicable to Georgian College;
  - providing applicable copyright information and best practices related to the college community by facilitating workshops and creating information resources;
  - offering guidance regarding copyright questions, when to seek copyright permissions, and to determine copyright ownership; and
  - remaining current on copyright matters.
  
- The **Purchasing Department** is responsible for:
  - ensuring copyright notices are posted on all college printing devices when provided by Georgian College; and
  - overseeing Grenville Printing, who holds the license with Access Copyright for printing requests.
  
- The **Georgian Bookstore** is responsible for:
  - receiving and reviewing booklist requests from faculty; and
  - sending custom or specialty publication requests to the library for copyright review.
  
- **Administrators** are responsible for:
  - ensuring all employees are aware of the Copyright Policy;
  - promoting training, education, and compliance with the *Copyright Act*, Georgian's Copyright Policy, copyright workshops, and information resources; and
  - any incurred costs associated with obtaining copyright permissions and necessary budget implications.
  
- **All users** are responsible for:
  - adhering to the laws as governed in the *Copyright Act* and ensuring compliance with the Copyright Policy;
  - participating in training, attending copyright sessions, and completing copyright modules; and
  - adhering to course content guidelines from the library based on the *Copyright Act* and legislation for materials used for educational purposes.

## Policy

- 1.1 All employees, students, and any others who make use of copiers will comply with the legal requirements of the Canadian *Copyright Act* and college licensing agreements. Individuals are responsible for their own actions and will be held liable for non-compliance.
- 1.2 Fair Dealing is an exception in the *Copyright Act*. Sections 29, 29.1, and 29.2 state a work used for the purpose of research, private study, education, parody or satire, criticism, review, and news reporting does not infringe copyright. To qualify for fair dealing, two tests must be passed.
- 1.3 The first test is that the “dealing” must be for a purpose stated in the *Copyright Act*. This includes research, private study, education, parody or satire, criticism, review, and news reporting. Educational use of a copyright-protected work passes the first test.
- 1.4 The second test requires that the dealing must be considered “fair”. In landmark decisions made in 2004 and 2012, the Supreme Court of Canada provided guidance as to what this test means in educational institutions. The six factors for this test are:
  - The purpose of the dealing.
  - The character of the dealing.
  - The amount of the dealing.
  - The availability of alternatives to the dealing.
  - The nature of the copyright-protected work.
  - The effect of dealing on the copyright-protected work.
- 1.5 All employees, students, and any other individuals may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, satire or parody, and education. In these cases, the user should mention the source and, if given in the source, name the author or creator of the work.
- 1.6 A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course as a class handout, posting on a learning or course management system that is password-protected or otherwise restricted to students of a school or postsecondary educational institution, or in a course pack. A short excerpt may mean up to 10 percent of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work). Examples include:
  - One chapter from a book.
  - A single article from a periodical.
  - An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, or plan) from a copyright-protected work containing other artistic works.
  - An entire newspaper article or page.
  - An entire single poem or musical score from a copyright-protected work containing other poems or musical scores.
  - An entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work.

## Related Materials

[Copyright Act](#)

[Copyright-at-Georgian](#)

[Government of Canada: A Guide to Copyright](#)

[Georgian College Academic Regulations](#)