



Copyright Compliance

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| Executive Division: | Student Services |
| Department Responsible: | Records Management and Privacy |
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Policy Statement

BCIT is committed to compliance with the Canada *Copyright Act*, which governs all copying by BCIT employees, students, and contractors (all BCIT users). BCIT has entered into a number of license agreements, including with Access Copyright, which allows certain types of copying beyond those granted by the *Copyright Act*, and covers the majority of BCIT's required copyright permissions.

BCIT users must assume that copyright protection exists on all published works, and ensure that their copying complies with the *Copyright Act*, or is within the limits of the Access Copyright licence agreement or any other licence agreements that may exist at BCIT, or obtain the necessary permissions if it is beyond those limits.

This policy applies to the reproduction and use of copyright-protected materials to and from any format (e.g., print, digital, audio-visual, film) and to all BCIT users. It includes single and multiple copies and works reproduced for instructional, research, and administrative purposes.

Purpose of This Policy

The purpose of this policy is:

- To define the roles and responsibilities of BCIT users in ensuring that their reproduction of copyright-protected materials complies with the *Copyright Act*, BCIT's Access Copyright licence agreement, and any other license agreements that may exist at BCIT
- To reduce the risk of copyright infringement that could result in legal action against BCIT
- To define the roles and responsibilities of BCIT users in ensuring that third parties obtain permission from BCIT to reproduce BCIT-owned copyright materials.

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Application of This Policy

This policy applies to all BCIT students, employees and contractors.

Related Documents and Legislation

BCIT Policies:

- Policy 5002, Student Regulations
- Policy 6601, Intellectual Property.

Legislation:

- Canada *Copyright Act*.

Definitions

Access Copyright

Access Copyright (formerly CANCOPY) is a not-for-profit collective agency that represents Canadian copyright holders within Canada, with the exception of Quebec, which has its own agency. It has agreements with copyright holders, including writers and publishers, and negotiates license agreements to licensees such as BCIT on behalf of the copyright holders. Access Copyright deals with most Canadian publishers, but not those published in the Access Copyright Exclusions List.

BCIT User

A BCIT user is any BCIT student, employee, or contractor.

Copy

See “Reproduction.”

Copyright

Copyright refers to the exclusive right of copyright owners to determine the use of their original literary, artistic, musical, or dramatic works. Only the copyright owner may reproduce, perform, translate or publish his/her work or authorize others to do so. Protection of works is automatic and exists as soon as a work is created and continues until 50 years after the creator's death.

Copyright Clearance Staff

Copyright clearance staff are employees in the BCIT Bookstore, Imaging department, and Library who obtain permission for photocopying that is outside the Access Copyright license terms, or for reproducing works not covered by the Access Copyright licence or any other licence.

Copyright Contact

Copyright Contacts are employees acting as primary contacts on copyright matters in their school or department. Copyright Contacts liaise with the Records Management and Privacy Manager.

Licence

"Licence," for the purposes of this policy, refers to permission granted by the copyright owner to another party to use a copyright-protected work without any transfer of ownership in that work. The terms and conditions of use of the copyright-protected work are usually outlined in a legally binding document called a licence agreement.

Reproduction

"Reproduction," for the purposes of this policy, refers to any replication of information, regardless of the format of the original or the format of the replication.

Other Information**1. Copyright Permissions – All BCIT Users****1.1 Access Copyright – Comprehensive Licence**

The Access Copyright comprehensive licence allows BCIT users to photocopy up to 10% of a published work or whichever is greater:

- An entire chapter provided it is not more than 10% of the book
- An entire newspaper article or page
- An entire single short story, play, poem, essay, or article from a book or periodical issue containing other works
- An entire entry from an encyclopaedia, dictionary, or similar reference book
- An entire reproduction of an artistic work from a book or periodical issue containing other works.

Instructors and teaching faculty may make enough ad hoc photocopies for the number of students in their classes as free handouts plus two for the instructor.

BCIT users may also digitize a small excerpt from a printed work for classroom PowerPoint presentations.

For works not covered by the licence, refer to the Access Copyright Exclusions List.

1.2 Software Licenses

BCIT has negotiated a number of license agreements that allow BCIT users to borrow and reproduce computer software if agreed-upon conditions of use are respected.

2. Additional Clearances – Employees and Contactors

The BCIT copyright clearance departments purchase transactional licences (clearances) from Access Copyright for permission to photocopy outside the comprehensive licence terms (e.g., reproduction exceeds the limits or copies are sold in the bookstore). Transactional reproduction is recorded in a copyright tracking database, and BCIT pays Access Copyright the sum of royalties collected.

The clearance departments contact the copyright holder directly for permission to reproduce works not covered by the Access Copyright or other licence agreements. These works include but are not limited to:

- Works on the Internet
- Works in formats other than print, such as digital, audio-visual, or film
- Works to be converted from print to non-print formats.

For more information, refer to the BCIT Copyright Manual.

3. Compliance

Failure to comply with this policy may result in disciplinary action against the individual. Disciplinary action will be governed by BCIT policies and collective agreements, and such disciplinary action may include suspension or expulsion of students or the dismissal of employees.

Duties and Responsibilities

BCIT Students

BCIT students are responsible for:

- Understanding and complying with BCIT's Access Copyright comprehensive license for photocopying
- Personally obtaining permission from the copyright owners to:
 - Photocopy works not covered by the Access Copyright comprehensive licence
 - Use or reproduce works on the Internet
 - Use or reproduce works in electronic and other non-print formats
 - Convert from print to electronic and other non-print formats
- Understanding and complying with the license agreements for software they are using.

BCIT Employees and Contractors

BCIT employees and contractors are responsible for:

- Understanding and complying with BCIT's Access Copyright comprehensive license for ad hoc photocopying
- Obtaining permission, through BCIT copyright clearance staff, to:
 - Photocopy outside the Access Copyright comprehensive license terms, or for print works not covered by the licence
 - Use or reproduce works on the Internet
 - Use or reproduce works in electronic and other non-print formats
 - Convert from print to electronic and other non-print formats
- Submitting a copy of any personally negotiated reproduction agreements to the Bookstore, Library, or Imaging for entry into the copyright tracking database
- Understanding and complying with the license agreements for software they are using
- Forwarding requests from external parties to use BCIT works to the Records Management and Privacy Manager.

For more information, refer to the BCIT Copyright Manual.

Duties and Responsibilities

Copyright Clearance Staff

Copyright clearance staff employees are responsible for:

- Tracking print reproduction
- Obtaining permission to reproduce works in the most cost-efficient manner, either through Access Copyright or directly from the copyright holder
- Updating the copyright tracking database with permissions and royalties due.

Records Management and Privacy Manager

The Records Management and Privacy Manager is responsible for:

- Negotiating and administering the contract with Access Copyright
- Developing and maintaining the copyright tracking database
- Managing the copyright expense and copyright recoverable/revenue budgets
- Obtaining legal input on copyright matters as considered necessary
- Raising awareness about copyright compliance and plagiarism to BCIT users
- Training and advising BCIT users regarding copyright compliance and plagiarism
- For a work where BCIT is the copyright owner, working with the BCIT department that created the content to draft a license for external parties to use the work.

Copyright Contacts

Copyright Contacts are responsible for:

- Advising employees and contractors within their school or department on copyright compliance
- Liaising between their school or department and the Records Management and Privacy Manager.

Administrators

Administrators are responsible for:

- Designating the Copyright Contacts within their schools or departments
- Supervising the clearance staff in their departments, if applicable.

Library

The Library is responsible for negotiating license agreements for purchased information resources.

Procedures and Guidelines Associated With This Policy

- BCIT Copyright Manual (for employees and contractors)
- Access Copyright Exclusions List.

Forms Associated With This Policy

Copyright Clearance Request.

Special Situations

None.

Amendment History

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|---------------|-------------|
| 1. Created | 1990 Apr 18 |
| 2. Revision 1 | 1996 Oct 18 |
| 3. Revision 3 | 2004 Sep 13 |
| 4. Revision 4 | 2008 Sep 30 |

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