
Copyright Policy

[Draft – renamed]

Policy No:	7506
Version:	1 [<i>versioning reset: first Board approval</i>]
Category:	Administrative
Approval Body:	Board of Governors
Executive Sponsor:	Provost and Vice President Academic
Entity Responsible:	Library Services
Directory of Records:	0650-15
Classification:	Information Management
Approval Date:	2026 Mxx DD [<i>tbd – pending</i>]

Background

BCIT is committed to compliance with Canada's *Copyright Act* and related legislation. This Policy outlines the responsibilities of BCIT's Faculty, Staff, and Students ("BCIT Community") in adhering to both the rights of copyright-owners and user's rights supported by law (e.g., Fair Dealing).

Purpose

This Policy promotes compliance with the *Copyright Act* by the BCIT Community; balancing access to and use of copyrighted materials for education and research with informed understanding of statutory user's rights such as Fair Dealing and the open licensing alternative.

Application

This Policy applies to the BCIT Community, including contractors, service providers, volunteers, visitors, and any other person who accesses or uses works protected by copyright. These works may be under BCIT's authority or used or accessed through BCIT's systems, facilities, funding, or other resources - regardless of the actual location of the activity.

Scope

This Policy governs the use of copyright-protected content in all BCIT academic, research, administrative, operational, promotional, archival, library, physical, and digital environments, including learning management systems, classroom teaching, course packs, print and electronic reserves, streaming media, recordings, websites, social media, artificial intelligence tools, software, presentations, events, exhibitions, and third-party platforms.

This Policy does not determine ownership of works created by the BCIT Community (e.g., employee-created works, student intellectual property, patents, or trademarks) except to the extent of copyright compliance. (For more on ownership, refer to the appropriate BCIT Policy, collective agreement, or other documentation.)

Related Documents and Legislation

Federal Legislation

Copyright Act, R.S.C., 1985, c. C-42

Copyright Modernization Act, S.C. 2012, c. 20

Accessible Canada Act, S.C. 2019, c. 10 [where accessible-format copyright use intersects with accessibility obligations]

Provincial Legislation

Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165 [where copyright materials also contain personal information]

BCIT Policies

6601 Intellectual Property

3501 Acceptable Use of Information Technology

3502 Cyber Security

6400 Authored Materials

7540 Retailing of Course Materials

Related References

Universities Canada – Copyright and Fair Dealing Guidelines

Canadian Association of Research Libraries – Copyright and Fair Dealing Guidelines

Definitions

Copyright-protected Work means any work protected under the *Copyright Act*, including literary, dramatic, musical, and artistic works, as well as performances, sound recordings, communication signals, software, databases, audiovisual works, images, text, datasets, and other protected content.

Fair Dealing is a user right under the *Copyright Act* that may allow the use of copyrighted material without permission or payment, provided the use is for a permitted purpose and is fair in the circumstances.

Licence means a contract, agreement, subscription, open licence, website term, database term, or other permission that authorizes use of a copyright-protected work subject to conditions.

Open Licence means an open licence, such as a Creative Commons licence, that permits specified public uses of a work subject to stated terms.

Public Domain means materials no longer protected by copyright, or that were never eligible for copyright protection, that may be used without permission unless subject to other legal or contractual restrictions.

Short Excerpt is a portion of a copyright-protected work falling within the limits established by BCIT's Fair Dealing Guidelines and other Associated Procedures.

Technological Protection Measure means a digital lock or other technology controlling access to or use of a work that may not be circumvented except as permitted by law.

Guiding Principles

This policy is governed by the following guiding principles, which inform how the policy is interpreted or applied.

- 1) **Balance access and rights:** BCIT supports access to educational and research materials while respecting creator and rights-holder interests.
- 2) **Use the best lawful pathway:** users should rely on library licences, open licences, public domain works, permissions, statutory exceptions, or Fair Dealing as appropriate.
- 3) **Apply Fair Dealing case by case:** For a use of a copyrighted work to be permitted under Fair Dealing, two tests apply: i) the use (i.e. “dealing”) must be for a purpose stated in the *Copyright Act* (including research, private study, or education); ii) the dealing must be “fair” - only Short Excerpts of copyright-protected works may be reproduced and shared.
- 4) **Protect accessibility and inclusion:** copyright decisions should support accessible formats and equitable participation where permitted by law and licence.
- 5) **Respect Indigenous knowledge and cultural materials:** Current copyright laws do not protect many forms of Indigenous traditional knowledge and cultural heritage. Ethical obligations, cultural or community-specific protocols, and consent should be respected and adhered to when working with Indigenous peoples or communities or creating teaching and other material using traditional Indigenous knowledge.
- 6) **Document decisions:** Copyright permissions, licence records, Fair Dealing assessments, and copyright decisions should be documented in accordance with BCIT records management requirements where Institute use creates legal, operational, or reputational risk.

Policy Statements

- 1) All BCIT users must use copyright-protected works only where authorized by law, licence, permission, Public Domain status, Open Licence, or applicable exception.
- 2) BCIT recognizes Fair Dealing as a user right and will provide procedures, tools, and guidance to help Community members assess Fair Dealing in teaching, learning, research, administration, and service contexts.
- 3) Materials made available through BCIT systems, including learning management systems and electronic reserves, must include appropriate copyright notices, attribution where required, and access controls where needed.
- 4) Licence terms for library databases, e-books, streaming media, software, images, and other digital resources must be followed even where Fair Dealing or another exception may otherwise be available.
- 5) Users must not remove rights-management information, bypass Technological Protection Measures, or upload, stream, distribute, or retain materials in ways that exceed legal or licence permissions.
- 6) Users must not upload copyright-protected works to artificial intelligence systems where the intended use conflicts with licence terms, privacy requirements, contractual restrictions, or applicable law.

- 7) BCIT users or departments that procure, create, digitize, store, publish, or distribute content must consider copyright at the planning stage and consult the responsible office when intended use is uncertain or higher risk.
- 8) Suspected copyright infringement involving BCIT systems or activities must be addressed promptly through the associated procedure and may result in removal of content, corrective action, education, or other measures under applicable policies.

Duties and Responsibilities

All BCIT Staff

Use materials lawfully, follow licence conditions and procedures, document permissions and Fair Dealing assessments when needed, and seek guidance when uncertain.

Students

Use copyright-protected materials lawfully in coursework, research, presentations, publications, and BCIT systems.

Library Services

Maintains the Copyright Policy and Associated Procedures; provides guidance, tools, and templates; and coordinates education, awareness, and compliance activities. Supports copyright literacy and the responsible use of licensed resources, including reserves services, permissions management, and Fair Dealing guidance for teaching, learning, and research. Copyright concerns involving external complaints, takedown requests, or alleged infringement should be escalated through Library Services.

Legal Counsel for BCIT

Provides legal advice on complex copyright matters, disputes, licences, permissions, and higher risk uses.

Procurement and contract owners

Ensure copyright, licence, accessibility, retention, and permitted-use terms are considered in agreements for content, software, subscriptions, and services.

Information Technology Services

Supports access controls, takedown processes, platform administration, and information security requirements related to copyright materials.

Special Situations

High-risk uses from a copyright perspective include public online posting, commercial reuse, adaptation, mass digitization, use of entire works, format shifting, streaming media, and AI training or ingestion (copying into AI). Where permissions are unclear, proposed uses must be referred to Library Services before use. For copyright clearance and compliance questions contact copyright@bcit.ca

Associated Procedures

Note for Community Review: the following procedures are being redeveloped as departmental Guideline documents; the links below are to the currently published versions.

[7506-PR1 Copyright Fair Dealing Guidelines \[PDF\]](#)

[7506-PR2 Granting Permission for Use of BCIT Copyright Materials \[PDF\]](#)

Associated Forms

[Copyright Clearance Request Form \[PDF\]](#)

Appendices

Appendix A: Fair Dealing Decision Framework

Appendix B: Common Post-Secondary Copyright Use Cases

Approval History

		<u>Approval Date</u>	<u>Status</u>
Created:	Policy 7506 v1	1990 Apr 18	Created
Revised:	Policy 7506 v2	1996 Oct 18	Replaced
Revised:	Policy 7506 v3	2004 Sep 13	Replaced
Revised:	Policy 7506 v4	2008 Sep 30	Replaced
Revised:	Policy 7506 v5	2013 Oct 17	In Force
Numbering reset for first Board-approved version:			
Revised:	Policy 7506 v1 [Draft]	2026 Mmm dd [tbd]	pending approval

Scheduled Review Date

yyyy Month dd [tbd - upon board approval]; however, the Policy's Executive Sponsor may initiate review at any time.

Appendix A: Fair Dealing Decision Framework

Step 1: Confirm the purpose is one allowed under the Copyright Act: research, private study, education, parody, satire, criticism, review, or news reporting.

Step 2: Assess fairness using the six factors identified by Canadian courts: purpose, character, amount, alternatives, nature of the work, and effect on the market.

Step 3: Use no more than is reasonably required for the educational, research, administrative, or other allowable purpose.

Step 4: Apply access controls, attribution, notices, retention limits, and recordkeeping where appropriate.

Step 5: Seek guidance when copying exceeds routine short-excerpt guidance, when a licence applies, or when the use is public, repeated, commercial, adapted, or high profile.

Appendix B: Common Post-Secondary Copyright Use Cases

Course readings: use library licensed links where possible; use creative commons, open/public-domain materials, fair dealing, permission, where appropriate.

Learning management systems: post only authorized content, restrict access to enrolled users where required, and remove materials when no longer needed.

Classroom presentations: include citations and verify that images, videos, music, and excerpts are authorized for the intended setting.

Recordings and streaming: confirm rights for embedded third-party content before recording, streaming, storing, or redistributing.

Open Educational Resources (OERs): select and attribute open-licensed materials according to licence terms.

AI tools: do not upload or use copyright-protected materials in AI systems unless authorized by law, licence, BCIT procedure, or permission.