

 CAPILANO UNIVERSITY		POLICY	
Policy No.	Officer Responsible		
B.601	Vice-President, Academic and Provost		
Policy Name			
Copyright Policy			
Approved by	Replaces	Category	Next Review
Board	New	A	November 2020
Date Issued	Date Revised	Related Policies, Reference	
November 21, 2017		Copyright Act (R.S.C., 1985, c. C-42) E.308, E.704, B.506	

1. PURPOSE

- 1.1. This policy outlines the requirement for all Capilano University employees and contractors to comply with the Canadian Copyright Act (R.S.C., 1985, c. C-42) (the “Copyright Act”) in the educational use of copyright-protected works. Capilano University employees and contractors are responsible for knowing their rights and responsibilities under copyright law.

2. DEFINITIONS

“Copyright” is the legal right to produce, reproduce, publish or perform an original literary, artistic, dramatic or musical work.

“Moral rights” are the rights of a creator of a literary, dramatic, musical or artistic work to have his or her work properly attributed, and to prevent changes to his or her work, or its use in association with a product or cause, that would damage the creator’s reputation.

“Intellectual property” refers to six types of legal protection involving works of the mind: patents, trade-marks, industrial designs, copyright, trade secrets and integrated circuit topography. Examples are inventions, literary and artistic works, designs and symbols, and names and images used in business.

“Fair dealing” is a user’s right in copyright law permitting use, or ‘dealing’, with a copyright-protected work without permission or payment of copyright royalties.

“Infringement” is the term used in the Copyright Act to denote a violation of copyright.

3. SCOPE

- 3.1. In Canada, copyright is governed by the Copyright Act which regulates the use and reproduction of copyright-protected works.
- 3.2. Copyright is the sole and exclusive right of a copyright holder to produce, reproduce, perform, publish, adapt, translate and telecommunicate an original work and to control the circumstances in which others may do any of these things.
- 3.3. Copyright protects works from being copied, performed or distributed without the permission of the copyright holder, usually the publisher, author or the creator of the work, and also provides rights to users for defined uses of copyright-protected works without permission or the payment of copyright royalties. The Copyright Act provides educational users with a number of users' rights.
- 3.4. Copyright-protected materials include literary and dramatic works, musical and artistic works, such as books, articles, videos, music, paintings, photographs, sound recordings, broadcasts and performances.
- 3.5. Excluded from the scope of this policy is the ownership of copyrighted materials created by University academic employees (see the Capilano University Faculty Association Collective Agreement,) and the status of the University as an Internet Service Provider (ISP).

4. POLICY STATEMENT

- 4.1. Capilano University respects copyright and is committed to full compliance by its employees and contractors with the Copyright Act and all licenses governing the use of copyright-protected works.
- 4.2. Accordingly, unless permitted by the copyright holder, the terms of a specific licensing agreement or other contract, or where a user's right outlined in the Copyright Act applies, any reproduction, performance, publication, adaptation, translation or telecommunication of copyright-protected material in any form or format is prohibited.
- 4.3. The application of the "fair dealing" provisions of the Copyright Act for educational uses will be governed by the CICAN Fair Dealing Policy to which Capilano University subscribes, the only exception being where the fair dealing right is superseded by the contractual obligations contained in specific licensing agreements.
- 4.4. University employees will not use any university system or server to communicate infringing materials to university students or other employees. Any infringing materials found to be posted on university servers or Learning Management Systems will be removed.