

Copyright Requirements for UBC Faculty and Staff

Version 2.1
(Revised June 17, 2014)

Please see copyright.ubc.ca for the latest information on copyright



a place of mind

THE UNIVERSITY OF BRITISH COLUMBIA

Background & Purposes

UBC is committed to the advancement and dissemination of knowledge. As such, UBC wishes to provide University Persons with broad access and exposure to copyrighted works, in a manner that facilitates evolving educational and instructional methodologies, while simultaneously respecting the proprietary intellectual property rights of knowledge creators.

UBC and its faculty, staff and students are creators of various forms of intellectual property, as well as consumers of intellectual property. As creators, we rely on the protections offered by intellectual property laws to ensure that our work product is protected from improper use. As consumers of intellectual property, we are legally (and morally) obligated to respect the intellectual property rights of others, just as we expect others to respect our intellectual property rights.

One intellectual property right that transcends all academic disciplines, and therefore is relevant to all University Persons, is copyright. 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. Copyright holders have the ability to allow others to use their copyrighted works through what are legally referred to as licences.

Copyright law in Canada protects a [wide range of works](#). If you wish to reproduce a substantial part of a copyrighted work, you may only copy the work if the *Copyright Act* specifically [allows you to do so](#), or if you have express [permission](#) from the copyright owner or another person with the authority to grant permission. The *Copyright Act* provides a number of exceptions (or user rights) that enable certain classes of users, such as universities and persons acting under the authority of a university, to copy and utilize copyrighted works in specific situations without first securing express permission. These exceptions provide a balance between providing copyright holders with legal rights to control the use of their works, and allowing users access in specific circumstances that are in the public interest.

As a preeminent research institution, UBC is constantly developing and adapting the learning and teaching experience it offers by, among other things, adopting and expanding the use of digital technologies in its classrooms, including electronic learning management systems. In so doing, UBC needs to ensure that University Persons recognise and deal with copyright issues that arise within this constantly evolving environment. While recognizing the challenge that this may pose to University Persons, UBC is committed to ensuring that these world class learning and instruction opportunities are conducted in a copyright compliant fashion.

This document sets out UBC's requirements regarding copyright, which University Persons must adhere to in order to comply with copyright laws. For further information, please refer to the [Copyright Guidelines](#) and [Fair Dealing Requirements](#) (as defined below). Additionally, please see [Fair Dealing in Practice](#) for detailed information about copying in a variety of different contexts.

1. Definitions

1.1 As used in these UBC Copyright Requirements, the following defined terms shall have the meanings provided below:

- **“Circumvent”** means, in respect of a Digital Lock, to descramble a scrambled work, decrypt an encrypted work or otherwise avoid, bypass, remove, deactivate or impair the Digital Lock.

- “**Copyright Act**” means the [Copyright Act, R.S.C. 1985, c. C-42](#), as amended from time to time.
- “**Copyright Guidelines**” means the [Copyright Guidelines for UBC Faculty, Staff and Students](#) posted at copyright.ubc.ca, as may be amended from time to time by UBC.
- “**Copyrighted Work**” means any original literary, dramatic, musical and artistic work including without limitation computer programs, translations, annotations, and compilations of works, in which copyright subsists, unless copyright in such work has expired in accordance with the *Copyright Act*.
- “**Digital Lock**” means any effective technology, device or component that, in the ordinary course of its operation, controls access to a work, a performer’s performance fixed in a sound recording or a sound recording, and whose use is authorized by the copyright owner.
- “**Fair Dealing Exception**” means the exceptions to copyright infringement provided under Sections 29, 29.1 and 29.2 of the *Copyright Act*, which allows any person to make a copy of a copyrighted work for the allowable purposes of research, private study, education, satire, parody, criticism, review, or news reporting.
- “**Fair Dealing Requirements**” means collectively, the [Fair Dealing Requirements for UBC Faculty and Staff](#), and the [Fair Dealing Requirements for the UBC Library](#), both posted at copyright.ubc.ca, as may be amended from time to time by UBC.
- “**Other Staff**” means full-time and part-time staff members of UBC and any other person who works at or under the auspices of UBC who is not Teaching Staff.
- “**Statutory Exception(s)**” means various exceptions under the *Copyright Act* that permit certain things to be done by educational institutions, or persons acting under the authority of an educational institution, that would otherwise infringe copyright. These include, without limitation, the Fair Dealing Exception. A current list of the Statutory Exceptions available to UBC is set out under [Section 3 of the Copyright Guidelines](#).
- “**Student**” means a person registered or engaged in a course, unit or program of academic, continuing, professional, or vocational study administered or hosted by UBC, including a person who is granted deferred standing in a course.
- “**Teaching Staff**” means any person who teaches at or under the auspices of UBC, including without limitation faculty members, adjunct and clinical faculty, lecturers, instructors, and teaching assistants.
- “**UBC Licence**” means a licence agreement between UBC and the author or copyright holder, a publisher, or a publisher’s representative, which is listed under the UBC Licence information database at <http://licenses.library.ubc.ca/>.
- “**University Person(s)**” or “**you**” means collectively and individually, Teaching Staff and Other Staff.

2. General

- 2.1 In accordance with UBC’s desire to promote the educational, research and private study activities of Students, Teaching Staff are encouraged to provide their Students with requisite materials, whether in print or electronic form, provided that this is balanced with UBC’s need to respect the intellectual property rights of copyright holders and comply with copyright laws. As UBC considers copyright infringement to be a serious matter, every University Person must comply with applicable copyright laws when dealing with Copyrighted Works, and not infringe on the intellectual property rights of the copyright holders of such Copyrighted Works.

3. Digital Locks

- 3.1 University Persons must not Circumvent any Digital Locks to access Copyrighted Works unless they are authorised by the copyright owner to do so (see the discussion of Access Controls and Use Restrictions in the Copyright Guidelines). The user rights described in sections 4 and 5 below are unavailable if a University Person has Circumvented a Digital Lock without the copyright owner's authorization.

4. Statutory Exceptions

- 4.1 If a University Person wishes to reproduce a substantial part of a Copyrighted Work, he or she may only copy the Copyrighted Work if the *Copyright Act* specifically allows this under a Statutory Exception, or he or she has express permission from the copyright holder.
- 4.2 If a University Person wishes to rely on a Statutory Exception to copy, reproduce, perform, communicate, display or otherwise deal with a Copyrighted Work, he or she must comply with any specific conditions required by such Statutory Exception and ensure that he or she does not Circumvent any Digital Lock protecting the Copyrighted Work. A current list of the Statutory Exceptions available to UBC is set out under [Section 3 of the Copyright Guidelines](#).

5. Fair Dealing Requirements

- 5.1 If a University Person wishes to rely on the Fair Dealing Exception to copy, reproduce, perform, communicate, display or otherwise deal with a Copyrighted Work, he or she must comply with the terms of the [Fair Dealing Requirements](#), and ensure that he or she does not Circumvent any Digital Lock protecting the Copyrighted Work.
- 5.2 In order to ensure that any copying and distribution of Copyrighted Works takes place in a manner that directs Students not to further distribute or disseminate the Copyrighted Works and has appropriate safeguards in compliance with applicable laws, Teaching Staff and Other Staff must comply with the [Fair Dealing Requirements](#) when making paper copies of Copyrighted Works to distribute to Students as part of [classroom instruction](#), or posting Copyrighted Materials onto secure, password-protected [learning management systems](#) and course websites.
- 5.3 University Persons should be aware that some [UBC Licences](#) that provide access to Copyrighted Works in electronic format restrict the making or dissemination of copies and limit the Fair Dealing Exception, and that if there is a conflict between the terms of a UBC Licence and the terms of the [Fair Dealing Requirements](#), the terms of the UBC Licence shall prevail. Thus, if a Copyrighted Work is subject to the terms of a UBC Licence, University Persons shall comply with the terms of such UBC Licence. If you have any questions or concerns about the terms of a UBC Licence, please contact the Scholarly Communications and Copyright Office at copyright.services@ubc.ca.

6. Coursepacks

- 6.1 In producing and distributing [coursepacks](#) to Students, Teaching Staff members are responsible for ensuring that such production and distribution complies with the *Copyright Act*. If a Teaching Staff member needs to include a Copyrighted Work in a coursepack, the Teaching Staff member should

[submit their request for a coursepack to the UBC Bookstore](#), which will ensure that the requirements of the *Copyright Act* are met.

6.2 Where a Teaching Staff member wishes to utilize another coursepack production facility, it is the responsibility of the Teaching Staff member to ensure that such coursepack is produced:

- in accordance with the [Fair Dealing Requirements](#), if the Fair Dealing Exception applies;
- in accordance with the terms of a [UBC Licence](#) or other licence, if such terms allow the production of coursepacks; or
- by obtaining consent from the copyright holder in accordance with Section 7 below.

7. Obtaining Consent from Copyright Holder

7.1 If you wish to make a copy that is not permitted by Sections 3 through 6 above, then you must seek the express permission of the copyright holder.

7.2 These permissions need to be sought on a case by case basis, and there is no obligation for the copyright holder to grant your request. You may also wish to consider whether a different Copyrighted Work (which may be subject to a UBC Licence) would be an acceptable alternative. If you have any questions or concerns about obtaining a copyright permission for a particular Copyrighted Work, contact copyright.services@ubc.ca.

8. Infringement

8.1 Should you be aware of copyright compliance deficiencies, you should bring them to the attention of the Scholarly Communications and Copyright Office so that appropriate action can be taken to address the situation.

8.2 Copyright infringement is a serious matter and can result in legal liability for you personally, as well as for UBC.

8.3 In addition, failure to comply with the terms of these UBC Copyright Requirements may result in disciplinary action being taken by UBC against you.

copyright.ubc.ca

The University of British Columbia
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