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1. Policy Statement

University Canada West (“UCW”) has adopted this copyright policy (the “Policy”) to communicate to the UCW community, including faculty, staff, and students, the importance of respecting intellectual property and observing copyright law. The Policy aims to provide UCW faculty, staff, and students with guidance on how to responsibly access, reproduce, and use copyright-protected materials at UCW.

2. Purpose

- To assist the UCW community with compliance with the *Copyright Act*, R.S.C., 1985, c. C-42 (the “*Copyright Act*”) and licence agreements between UCW and various rights holders, collective societies, and licensing agencies.
- To advise the UCW community on the use of copyright-protected materials and seek to reduce the potential for copyright infringement within the community.
- To clarify the roles and responsibilities of members of the UCW community under and in relation to the *Copyright Act*.

3. Scope

UCW faculty, staff, and students, as creators and users of intellectual property, are required to comply with this Policy. The UCW Library must also abide by and take reasonable steps to uphold the requirements of the *Copyright Act* and of the various licence agreements in effect from time to time between UCW and various rights holders.

UCW acknowledges that ignorance of the law is not a reasonable defence to copyright infringement. For that reason, it wishes to educate its faculty, staff, and students through this Policy.

4. Introduction

Generally, owning “copyright” in relation to a work or other subject matter means the exclusive right to produce, reproduce, perform, communicate, or publish it, or any substantial part of it, in any material form. It also includes the exclusive right to authorize anyone else to do any of those things.

Copyright subsists in all original literary, dramatic, musical, and artistic works, as well as in sound recordings, performers’ performances, and communication signals. Although “originality” is a prerequisite to copyright protection, the threshold is low; generally, copyright will subsist in any work that is the product of the skill and judgment of its author and is not copied from the work of another.

Economic Rights

In relation to literary, dramatic, musical, and artistic works, the *Copyright Act* grants copyright owners,

during the term of copyright, the following exclusive rights:

- **Reproduction:** the right to create or copy the work or any substantial part of it in any material form.
- **Performance:** the right to perform the work or any substantial part of it in public.
- **Communication and Making Available:** the right to communicate all or a substantial part of the work to the public by telecommunication, whether through traditional means or over the Internet, including by making the work available on an “on-demand” basis.
- **Publication:** if a work is unpublished, the right to publish it, or any substantial part of it, by making copies available to the public.
- **Authorization:** the right to authorize, or refuse to authorize, others to do any of these acts.

The exclusive rights of owners in relation to “other subject matter” – i.e., performer’s performances, sound recordings, and communication signals – are similar, but not identical.

Moral Rights

In addition to the “economic rights” that comprise copyright, the *Copyright Act* also gives authors and performers certain moral rights in their works and performances, respectively. Those rights include the following:

- **Right of Integrity:** the right to prevent any distortion of the work or performance that would prejudice the honour or reputation of the author.
- **Right of Attribution:** the right to be associated with the work or performance, by name or under a pseudonym, or to remain anonymous.
- **Right of Association:** the right to control the use of the work or performance in association with a product, service, cause, or institution.

Ownership of Copyright

The *Copyright Act* grants first ownership of copyright to the author, in the case of a work (or to the author’s employer, if the work is made in the course of employment); to the performer, in the case of a performance; to the maker, in the case of a sound recording; and to the broadcaster, in the case of a communication signal.

However, because copyright is a form of property, it can be freely assigned, in whole or in part. In practice, that means that the first owner of copyright is not always the *current* owner and may not be authorized to license the use of the work or other subject matter. In many cases, the first owner will have assigned copyright to a publisher, distributor, or other intermediary, which in turn may have authorized a collective society or licensing agency to grant licences on its behalf. In other words, the permission of the author may not be sufficient to grant valid rights of use.

Unlike economic rights, moral rights cannot be assigned or transferred, other than by will or by law upon the death of the author or performer. They can, however, be waived.

Term of Copyright

Copyright protection begins the moment an original work is created. As a general rule, the copyright in a work will last for the life of the author until 50 years following the end of the year in which the author dies. In other words, protection will expire on December 31 of the 50th year after the author dies.

Performers' performances, sound recordings, and broadcast signals are subject to different terms of copyright.

Once the term of protection expires, the owner's exclusive rights under the *Copyright Act* end and the work or other subject matter is considered to have entered the "public domain." At that point, users are free to engage with the material at will, without seeking consent or paying a royalty to the copyright owner.

5. Consequences of Copyright Infringement

It is an infringement of copyright for any person to do, without the consent of the copyright owner, anything that only the copyright owner is entitled to do under the *Copyright Act*. Broadly speaking, the same applies to an infringement of moral rights, which is actionable separately from any infringement of copyright.

Legal Consequences

Subject to certain defined exceptions, the *Copyright Act* also prohibits the circumvention of technological protection measures (sometimes referred to as "digital locks") that control access to works and other subject matter or that restrict the doing of acts that fall within the exclusive rights of the copyright owner. It also prohibits the removal of rights management information from a work for the purpose of facilitating or concealing infringement or adversely affecting the rights of the copyright owner.

The penalties for infringing copyright in Canada include monetary damages (including the actual damages suffered by the copyright owner or statutory damages of up to \$20,000 for each work infringed) and accounting and payment of the profits earned by the infringer. A court can also order "delivery up" (requiring infringing materials to be turned over or destroyed) and injunctive relief to prohibit any further infringement. The *Copyright Act* even allows for infringers to be imprisoned in certain instances.

The *Copyright Act* also provides for injunctive relief, damages, accounting of profits, and delivery up for infringement of moral rights, circumvention of technical protection measures, and removal of rights management information – even in circumstances where there has been no infringement of copyright.

UCW Consequences

Separately from the *Copyright Act*, students caught breaking copyright laws on UCW property or networks may be subject to disciplinary action as outlined in the Student Rights and Responsibilities Policy (9014). Faculty and staff may be subject to disciplinary actions including as outlined in their respective employment contracts.

6. Applicable legislation

- Canadian *Copyright Act*, R.S.C., 1985, c. C-42, a full copy of which may be retrieved at: <https://laws-lois.justice.gc.ca/eng/acts/C-42/Index.html>

7. Responsibilities

All UCW faculty, students, and staff are required to observe and abide by Canadian and international copyright laws, regulations, and licences.

UCW Library is responsible for updating information about copyright, attending to the licensing of copyright-protected material, liaising with licensors, and communicating copyright information. Anyone can report copyright infringement to the UCW Library.

8. Contact

If you have any questions or concerns about this Policy or the Copyright Procedures, or require additional information about Canadian copyright law, please contact the UCW Library at ucwlibrary@ucanwest.ca.

9. Related policies

Policy Number	Policy Title
None	

10. Associated procedure

Procedure Number	Procedure Title
6006p	Copyright Procedures