



MARIANOPOLIS
COLLEGE

Copyright Policy

In effect January 5, 2016

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1. PURPOSE

Marianopolis College is committed to fulfilling its ethical and legal obligations as regards the use of copyright-protected works, and to promoting respect for the work of authors, creators, and rights-holders.

The College adheres to the Canadian Copyright Act (C-42), as last amended on November 7, 2012, paying particular attention to how the Copyright Act applies in an educational setting. Whenever relevant, the College's contracts and licenses with administrative and commercial bodies supersede the Act. This policy reflects the role these licenses play in the administration of copyright at the College.

2. GOALS

The goals of the Policy are to ensure that with respect to copyright:

- There is compliance for relevant contracts, licenses and laws
- The roles and responsibilities of employees, students and other relevant bodies are clearly identified.

3. SCOPE

This policy applies to all College employees in the normal execution of their duties. It outlines how users, including students, may seek permission to use copyright-protected materials in the scope of their duties or studies at the College.

4. DEFINITIONS AND KEY CONCEPTS

Audio-Ciné Films (ACF): A licensing body in Canada for feature films.

Creative Commons: A non-profit organization that facilitates free and legal sharing and use of creative works. Under a Creative Commons license, individual rights-holders stipulate how their work can be used by others.

Criterion Films: A licensing body in Canada for feature films.

College: Marianopolis College.

Copyright representative: Person or persons designated by the College as responsible for obtaining copyright permissions for reproductions of all intellectual property.

Copibec: The print licensing and copyright authority for the province of Quebec, a body with which the College has a legal contract.

Course management system: A password-protected online system that allows faculty to share course materials, grades and other information with their students.

Course pack: A collection of sources selected by one or more faculty members for use in a specific course at the College and assembled by the College's official course pack provider.

Digital lock: A piece of code that has been placed on digital media to prevent reproduction of that media. It is illegal to break a digital lock in order to reproduce any type of media.

Educational setting: Any setting or activity that is part of the regular educational process of any given course at the College.

Employee: Any person performing a service for the College for remuneration. This includes faculty, staff, managers, and interns employed by the College.

Fair dealing: The Canadian Copyright Act holds that it is not an infringement of copyright to deal with a work for the purposes of personal research, private study, criticism, review, news reporting, education, satire and comedy, provided the dealing is deemed "fair." The rules laid out in section 7 of this policy outline what can be considered to be Fair dealing in an educational context. Fair dealing shares some aspects with the American copyright doctrine of Fair Use, but they are not identical. What may be considered "fair use" under the American doctrine may not necessarily qualify for "fair dealing" in Canada.

Intellectual property: The product of inventive, creative, or scholarly work. It can take many forms, including, but not limited to: text, video, artwork, or sound recordings.

License: An agreement between the College and a third-party provider of a service or product that allows the College to use the provider's service or product in a specific set of contexts. Licenses signed between the College and a third-party provider supersedes the rules set out in Canadian Copyright Law.

Official course pack provider: A third-party organization with which the College has a legal contract to produce all course packs for all College courses.

Public domain: In Canada, 50 years after the year of the death of the rights holder of a piece of intellectual property, that intellectual property normally enters into the public domain. If there are multiple rights holders of the same piece of intellectual property, the piece of intellectual property does not enter the public domain until 50 years after the year of the death of the final living rights holder. The only major exception to this rule is for recorded performances, which enter

into the public domain 50 years after the year the recording is made instead of 50 years after the year of the death of the performer. Any piece of intellectual property that has entered the public domain may be used freely by anyone and it is no longer subject to the regulations of the Canadian Copyright Act.

Public performance rights: The right to play an audio recording, to screen a film, or to perform a written work or piece of music in a recreational setting.

Recreational setting: Any setting or activity, including extracurricular activities, that is not part of the regular educational process of any given course at the College.

Reproduce: To make a copy of any type of work (e.g. text, video, audio, etc.), including selections of the work as well as the work as a whole.

Rights holder: The individual or organization that holds the copyright for a piece of intellectual property. Habitually, the rights holder is the creator or creators of the piece. However, the rights may be transferred to other individuals or groups.

Sanctioned use: Legal use of copyrighted material, as laid out by Canadian Copyright Law and any contracts held between the College and third-party providers.

SOCAN: The Society of Composers, Authors and Music Publishers of Canada is the music licensing authority in Canada.

Software license: A license that dictates the permitted uses of a given piece of software, typically outlining how the software may or may not be used.

Student: Any person who is currently enrolled in any course or program at the College.

Subscription databases: Third-party online databases to which the College has purchased access for the use of employees and students.

5. RIGHTS AND RESPONSIBILITIES

5.1. Rights Holders

5.1.1. As per the Canadian copyright law, the creator(s) or rights holder(s) of a given piece of intellectual property retain rights over how that property may be used. The law states the nature and extent of these rights, including any exceptions to these rights, particularly in relation to Fair Dealing.

5.1.2. Any licenses signed between rights holders or their representative licensing bodies and the College may grant rights holders additional

rights that are not present in the Canadian copyright law. The additional rights afforded by an agreed-upon license supersede Canadian copyright law.

5.2. The College

The College must take steps to ensure that all employees and students are aware of their responsibilities with regards to Canadian copyright law and any relevant licenses.

It is the responsibility of the College to ensure that all sanctioned use of copyrighted intellectual property on College property conforms to the requirements set out by Canadian copyright law and by any relevant licenses.

5.3. Employees

Employees are responsible for ensuring that their use of any piece of copyrighted intellectual property in the execution of their duties or in a recreational context on College property respects this policy.

5.4. Students

Students are responsible for ensuring that their use of any piece of copyrighted intellectual property in the execution of their studies or in a recreational context on College property respects this policy.

6. ROLES

The following individuals have been designated as College representatives on the copyright dossier:

6.1. Coordinator of Library Services

Under the authority of the Academic Dean, the Coordinator of Library Services acts as the College representative on the copyright dossier, including implementation and revision of the copyright policy, except for the application of Section 7.6 of this policy.

6.2. Director of Information Technology Services (ITS)

Under the authority of the Senior Director of Finance and Administration, the Director of ITS acts as the College representative for the application of Section 7.6 of this policy.

6.3. Information Services Librarian

Under the authority of the Coordinator of Library Services, the Information Services Librarian acts as the point of contact for employees and students for all matters related to copyright, except any questions of copyright covered by Section 7.6 of this policy.

7. FORMATS

7.1. Text

Text includes any text-based work, whether print or electronic.

7.1.1. General Rules

7.1.1.1. Employees and students are permitted to reproduce selections from books, textbooks, newspaper articles, magazine articles, journal articles, works of art printed in a book (or magazine, or journal), as well as lyrics for songs without needing to seek prior authorization, as long as the extent of these selections does not exceed the following:

- For works created in Quebec specifically for college-level education: 10% of the work or 25 pages, whichever is less.
- For all other works: 15% of the work.

7.1.1.2. Selections may be reproduced in paper or electronic format.

7.1.1.3. Selections reproduced in paper format should be printed through the College Print Shop or by using a designated College photocopier or printer.

7.1.1.4. Selections reproduced in electronic format must be distributed through the College's course management system or through a College shared network drive. As per the requirements set out by the College's license with Copibec, any selection reproduced in electronic format must be reported using the appropriate form to log that the selection has been posted online.

7.1.1.5. Whether the selection is being reproduced in paper or electronic format, if the total page count of a single selection from a single source exceeds the requirements stated above, employees must fill out the appropriate form in order to obtain specific authorization to reproduce the selection. Approval for the selection is for the reproduction of a single set of the selection being copied, and a new Copyright Application must be submitted each subsequent time the selection is reproduced.

7.1.1.6. All text materials found on the College's online subscription databases are subject to the rules expressed in sections 7.1.1 of this policy. In addition, any restrictions set forth in the individual terms of use of each online subscription database apply.

7.1.2. Copibec Exclusions List

Documents listed on the [Copibec Exclusions List](#) may not be reproduced using the rules stated in section 7.1.1 of this policy. Permission to reproduce any portion of a document found on the Exclusions List must be obtained directly from the rights holder by the College's Copyright Representatives.

7.1.3. Online materials

Any text material that has been made available online free of charge by the rights holder or with the explicit permission of the rights holder may be saved, downloaded, and exchanged by College employees and students, as long as the original source is credited. These text materials may also be used in class or transmitted online to students or other members of the College community. However, if the original rights holder of the resource places a digital lock on the resource, or if the rights holder clearly states that the resource may not be used for pedagogical purposes, then it may not be used without first seeking permission directly from the rights holder by the College's Copyright Representatives.

7.1.4. Public Domain

7.1.4.1. Text documents that are in the public domain may be copied freely by all College employees and students.

7.1.4.2. A specific edition of a public domain text that was published after that text entered the public domain is considered to be the intellectual property of the publishing house and not the author. In such a case, the publishing house becomes the rights holder for that particular edition of the text, and permission to reproduce the text must be sought according to the rules laid out in section 7.1.1 of this policy.

7.1.4.3. A specific translation of a public domain text is considered to be the intellectual property of the translator. Permission to reproduce the text must be sought according to the rules laid out in section 7.1.1 of this policy. Specific translations may enter the public domain in the same manner as any other copyrighted work.

7.1.5. Course packs

The rules stated in section 7.1.1 of this policy apply to the creation of course packs for College courses. All necessary copyright clearance is handled by the College's official course pack provider in consultation with Copibec. As per the College's agreements with the College's official course pack provider, all course packs for all College courses must be

produced through the official course pack provider and not through a separate third party.

7.1.6. Musical Scores

7.1.6.1. The rules stated in section 7.1.1 of this policy apply to all musical scores published as part of a bound book or other bound collection. However, musical scores that have been published as individual sheets of music cannot be reproduced using the rules set out in section 7.1.1 of this document. In order to reproduce a musical score, permission must be obtained directly from the rights holder by the College's Copyright Representatives.

7.1.6.2. The right to copy musical scores that have been published as individual sheets of music is sometimes given when these scores are initially purchased. If this is the case, the individual sheet of music or collection of individual sheets of music in question will have a printed notice stating that copying is permitted and in what context it is permitted. It is necessary to adhere to this notice when copying a musical score that has been published as an individual sheet.

7.1.7. Workbooks

Any workbook or other type of printed material that is intended to be used only once cannot be reproduced using the rules set out in section 7.1.1 of this policy. In order to reproduce these types of documents permission must be obtained directly from the rights holder by the College's Copyright Representatives.

7.2. Video Recordings

Video recordings refers to any audiovisual material, including feature films, documentaries, television programs and online videos. These rules apply whether the recording is in a physical medium or online.

7.2.1. General Rules

7.2.1.1. Video recordings may be screened in an educational setting without the need to acquire permission from the rights holders. The copy of the recording that is used for the screening must be a legally purchased copy and the employee or student must not have signed a license with the rights holder that stipulates that the particular copy of the video recording is for personal use only. Employees may request the purchase of a video recording through the Library using the appropriate form.

7.2.1.2. If an employee or student wishes to screen a video recording at the College in a recreational setting, an employee must log

the screening using the appropriate form, prior to the screening.

7.2.1.3. All video recordings found on any of the College's online subscription databases are subject to the rules expressed in section 7.2.1.1 and 7.2.1.2 of this policy. Any video recording found in one of the College's online subscription databases is considered to be a legal copy of the recording in question. Restrictions set forth in the individual terms of use of each database also apply.

7.2.2. Broadcast Television: News and News-Commentary

7.2.2.1. Employees may record a single copy of an episode of a news or news-commentary program at the time of its original broadcast and screen the program in an educational setting without needing to seek permission from the rights holder. They may keep this copy in perpetuity.

7.2.2.2. Even if they are being presented as part of a news program, documentaries may not be recorded or screened in this fashion. To differentiate between a news program, a news-commentary program and a documentary, use the following guidelines:

- i. News programs present facts concerning any local, regional, national, or international events as they occur. This also includes sports bulletins, current weather, or other daily events.
- ii. News-commentary programs present commentary, discussion, explanations, analysis or debate regarding current events by specialists or experts in a relevant field.
- iii. Documentaries are didactic or commercial works that are the result of extended research on a subject.

7.2.2.3. Only one copy of the news or news-commentary program may be kept. No other copies may be made, and the program cannot be uploaded onto any kind of online server, including the College's course management system.

7.2.3. Broadcast Television: All other programs

An employee may make a single copy of any program that is not a news or news-commentary program at the time of its original broadcast. The employee may keep that copy for up to 30 days in order to decide whether they will screen the program in an educational setting. If the employee decides to screen the program, or if the copy is not destroyed after 30 days, then the College must

pay royalty fees to the rights holder of that program. In either of these cases, the employee must contact the College's Copyright Representatives to seek permission prior to screening or prior to keeping the copy past the 30 day limit.

7.2.4. Online Video Recordings

7.2.4.1. Any video recording that has been uploaded by the recording's rights holder or with the express permission of the rights holder to a free online source may be screened in a classroom educational setting as long as the source does not explicitly state in its terms of service that the video recordings contained in that source are intended for personal use only.

7.2.4.2. Any video recording that has been uploaded by the recording's rights holder or with the express permission of the rights holder to a free online source may be screened in a recreational setting, as long as an employee has logged the screening using the appropriate form, which can be found on the Launchpad, prior to screening the recording.

7.2.4.3. When screening a video from a free online source, it is the responsibility of the employee or student to ensure that the video recording was legally uploaded by the rights holder or with the express permission of the rights holder.

7.3. Audio Recordings

Audio recordings refers to any recorded audio material, including musical performances, recorded radio programs, spoken word, audio books, and podcasts. These rules apply whether the recording is in a physical or electronic medium.

7.3.1. General Rules

7.3.1.1. Audio recordings may be played in an educational setting without the need to acquire permission from the rights holder. The copy of the recording that is played in the classroom must be a legally purchased copy, and the employee must not have signed a license with the rights holder that stipulates that the particular copy of the audio recording is for personal use only. Employees may request the purchase of an audio recording through the Library using the appropriate form.

7.3.1.2. Audio recordings may be played as part of a recreational activity without the need to acquire permission from the rights holder as long as the activity meets all of the following criteria:

- i. It must take place on the College premises.
- ii. It must be for educational or training purposes.
- iii. It must not be for profit.
- iv. It must take place before an audience that is composed primarily of students, faculty, and others that are acting under the authority of the College.

7.3.1.3. If the recreational activity does not meet one or more of the criteria stated in 7.3.1.2, the College's Copyright Representatives must acquire permission from SOCAN to play the audio recordings in question.

7.3.2. Online Audio Recordings

7.3.2.1. Any audio recording that has been uploaded by the recording's rights holder or with the express permission of the rights holder to a free online source may be played in a classroom educational setting as long as the source does not require its users to identify themselves using a username and a password to access the content and as long as the source does not explicitly state in its terms of service that the audio recordings contained in that source are intended for personal use only.

7.3.2.2. When playing an audio recording from an online source, it is the responsibility of the College employee or student to ensure that the audio recording was legally uploaded by the rights holder or with the explicit permission of the rights holder.

7.3.2.3. Employees and students must ensure that the online source of an audio recording does not have an explicit notice that the audio recordings contained on the site may not be used for educational purposes.

7.4. Images

Images include any static, visual, non-text based work, regardless of medium.

7.4.1. Reproduced As Part of a Print Text Source

Any images that have been reproduced as part of a print text source may be reproduced by College employees or students according to the rules in section 7.1.1 of this policy.

7.4.2. Available Online

7.4.2.1. All images found on the College's online subscription databases are subject to the rules in section 7.1.1 of this policy. Any restrictions set forth in the individual terms of use of each database apply.

7.4.2.2. Any image that has been made legally and freely available online by the rights holder or with the explicit permission of the rights holder may be saved, downloaded, and exchanged by College employees and students, as long as the original source is credited. These images may also be used in class or transmitted online to students or other members of the College community. However, if the original rights holder of the resource places a digital lock on the resource, or clearly states that the resource may not be used for pedagogical purposes, then it may not be used without first seeking permission directly from the rights holder.

7.4.3. Independent Image

7.4.3.1. In order for employees or staff to be able to reproduce any image that exists independently of a print source and has not been made legally and freely available online by the rights holder or with the explicit permission of the rights holder, permission to make the reproduction must first be sought by the College's Copyright Representatives.

7.4.3.2. Independent images that are in the public domain may be copied freely by all College employees and students.

7.5. Live Performance

A live performance is the non-prerecorded act of performing a work in front of an audience, whether that work is literary, dramatic, musical, visual, or takes some other form.

7.5.1. Copyrighted Dramatic Works

7.5.1.1. Employees and students may perform a copyrighted dramatic work without acquiring permission from the rights holder as long as the performance meets all of the following criteria:

- i. It must take place on the College premises.
- ii. It must be for educational or training purposes.
- iii. It must not be for profit.
- iv. It must take place before an audience that is composed primarily of students, faculty, and others that are acting under the authority of the College.

7.5.1.2. If the performance of the copyrighted dramatic work does not meet one or more of the above criteria, permission must be obtained directly from the rights holder by the College's Copyright Representatives.

7.5.2. Public Domain Dramatic Works

Students may perform dramatic works that are part of the public domain without needing to meet the criteria set out in section 7.5.1.1

7.5.3. Live Performance of Music

7.5.3.1. Copyrighted Music

7.5.3.1.1. Employees and students may perform copyrighted music at the College without the need to acquire permission from the rights holder as long as it meets all of the following criteria:

- i. The individual or group performing the piece is primarily composed by students of the College.
- ii. It takes place on the premises of the College.
- iii. It is for educational or training purposes.
- iv. It must not be for profit.
- v. It must take place before an audience that is composed primarily of students, faculty, and others that are acting under the authority of the College.

7.5.3.1.2. If the performance of the copyrighted music does not meet one or more of the above criteria, permission must be acquired from the rights holder by the College's Copyright Representative.

7.5.3.1.3. If the music is being performed as part of a dramatic work that is being performed live, such as a musical, then it will be necessary to acquire permission from a theatrical agent by the College's Copyright Representative.

7.5.3.2. Public Domain Music

Students may perform music that has entered the public domain without needing to meet the criteria set out in section 7.5.4.1.1.

7.6. Computer Programs (Software)

A piece of software or application that has been programmed to have a specific function or functions when run on a computer or computational device in any form.

7.6.1. In Canada, computer programs (software) are classified as literary works, and are protected under the Canadian Copyright Act. Most software is distributed with an accompanying license that may specify the conditions of use and distribution. A software license may set

conditions on the number of times a licensed user can install and/or use the software, or whether the software may only be used for educational or non-commercial purposes.

- 7.6.2. When using software at the College, all students and employees must respect any and all applicable software licenses. This requirement applies to all software usage occurring on College grounds or using the College's data network, regardless of whether such activity occurs on privately or College owned devices. College owned devices must meet this requirement regardless of physical location.

8. REVIEWING THE COPYRIGHT POLICY

This policy will be reviewed every five years or earlier, or as prompted by changes in the Canadian Copyright Act or as prompted by changes in major contractual agreements between the College and third parties.

9. RELATED COLLEGE POLICIES

Code of Employee Conduct

Code of Student Conduct

Institutional Policy for the Evaluation of Student Achievement (IPESA)