

Copying Right

What is the purpose of copyright law?

Canada's *Copyright Act* sets the rules by which a person is permitted to copy a "work" created by another person. Copyright law attempts to balance two goals: first, enable creators of works to control the use of their works and be appropriately compensated for their creative efforts and, second, provide reasonable use of such works for the benefit of society as a whole.

What does copyright protect?

Copyright protects only the expression of ideas that are recorded in a fixed form (e.g., an expression of original thoughts written and fixed on paper or a digital storage device). It does not protect:

1. The idea itself or facts and information.
2. Works in the public domain (see below).
3. Uses described as fair dealing (see below).
4. Insubstantial portions of a copyright-protected work. What constitutes an "insubstantial portion" is a subjective judgment decided by considering six factors set by legal precedent. Generally, one must consider both the quantity and the importance of the portion reproduced.

Copyright protection is automatic and begins from the moment a work is created (it does not need to be registered or appear with the copyright symbol ©). It applies to diverse categories of material including published works (e.g., a book), unpublished works (e.g., a personal letter), literary works (e.g., manuscripts, poems, pamphlets, tables and computer programs), dramatic works (e.g., choreography, plays, films, videos, screenplays, scripts), musical works (e.g., a musical compositions), artistic works (e.g., paintings, drawings, maps, charts, plans, photographs, engravings, sculptures, works of artistic craftsmanship and architectural works), performer's performance (e.g., actors, musicians, singers, dancers), communication signals (e.g., television or radio broadcaster), and sound recordings (e.g., makers of recordings on records, cassettes, compact disks).

What are the copyright ownership rules?

Which legal rights apply to which works varies. The general rules regarding copyright ownership are:

1. Physical ownership of a work does not automatically include copyright ownership to that work (e.g., you purchase and own a book but the publisher owns the copyright to that book).
2. The creator of the work is the first owner of copyright. A creator can assign copyright to another person (e.g., a publisher).
3. Only the copyright owner is authorized to permit reproduction, publication, and telecommunication to the public of a work, as well as public performance of an artistic work. These are known as the economic rights of the copyright owner.
4. Only the creator (not the copyright owner) is authorized to exercise the moral rights of attribution (to be known as the creator), association (to prevent use with an unacceptable event), and integrity of the work (to prevent changes to the work that

- would harm the creator's reputation). The creator can waive some or all of his or her moral rights but they cannot be assigned to another person (e.g., the copyright owner).
5. Copyright lasts the life of the creator of the work plus an additional 50 years. Copyright protection is for a specified time and is not perpetual.
 6. When the copyright term expires, a work passes into the public domain and may be used, modified, adapted or published without permission.

Doing any of the things or exercising any of the rights that only the creator or copyright owner may do, without permission, violates copyright.

What are the copyright use rules?

There are limited exceptions to permit certain uses without the authorization of the copyright owner. The general rules regarding copyright use are:

1. Under the "fair dealing" exception a work may be reproduced for research or private study, criticism or review, and news reporting according to specified conditions described in the law.
2. Educational institutions may reproduce works only under specified conditions described in the law:
 - a. Manually by using handwritten material for teaching.
 - b. Using overhead projection for teaching.
 - c. For a test or examination.
 - d. For performances for or by students on university premises if the audience is primarily students and teachers.
 - e. A news or commentary program.
 - f. Using self-service photocopiers under a licensing agreement with a copyright collective.
3. Libraries, archives, and museums may copy works to maintain and manage their collections according to specified conditions described in the law.
4. A work can be copied to an alternate format (e.g., Braille) for a person with a "perceptual disability".

How are copies made legally at SFU?

At SFU copies are made legally for teaching, research, and administration:

1. Under the "fair dealing" rules in the *Copyright Act*.
2. Under the University's licensing agreement with Access Copyright.
3. Under the Library's collective licensing agreements to use on-line published works such as electronic journals and periodicals that permit limited downloading and printing.
4. Under pay-per-use transactional licenses to use works not covered by the above (e.g., sound recordings, film, and digital objects used in course materials developed by or for instructors).
5. With the permission of the copyright owner.

What copying is permitted under SFU's license with Access Copyright?

SFU's license with Access Copyright applies only to published works and print materials. It does not apply to digital media; photographs; sound, video and film recordings; sheet music; unpublished works; and authors and publishers on the Exclusions List (see the information circular "Access Copyright Post-Secondary Sector Exclusions List" available on SFU's website).

Our Access Copyright license permits:

1. Making a copy using a campus self-service photocopier under specified limits (e.g., in the Library or an academic departmental office). For the copying limits, see the information circulars "Why Copy Wrong? Copy Right" and "Copying Guidelines" available on SFU's website.
2. Making multiple copies of a print periodical article for every student in a class within certain limits.
3. Making multiple copies of an article to put on Library Reserve.
4. Making multiple copies of custom courseware for sale in the University Bookstore.

Frequently asked questions

1. Question: Can I make enough copies of an article for the number of students in my course and do this every week throughout the semester?

Answer: Yes, within certain limits. Under SFU's license with Access Copyright you are permitted to make multiple copies for classroom distribution (one per student and two for the instructor). The copies must be given free and not sold to the students. Systematic, cumulative copying of the same published work for a single course in one academic year is not permitted. For example, you cannot copy one chapter each week from the same book to distribute to students until most or all of the publication is copied. See the information circular "Why Copy Wrong? Copy Right" for the copying limits (available on SFU's website).

2. Question: Can I leave an article in the department office for the students in my course to borrow to make a copy for his or her use and do this every week throughout the semester?

Answer: Yes, within the same limits as described above in answer to question #1.

3. Question: How many articles and copies of articles may I put on Library Reserve?

Answer: The number of articles is not defined in SFU's license with Access Copyright. You can put on Reserve the number of copies that are reasonably required. In one case, one copy may be adequate for a class with a smaller number of students. If you need more reserve copies for a larger class, that is fine. You are better able to make that determination.

For more information, see the information circulars "Frequently Asked Questions" and "Digital Licensing Made Easy" available on SFU's website.

How are custom courseware copies made legally at SFU?

Document Solutions and Continuing Studies are the only departments at SFU authorized under license to reproduce custom courseware for faculty teaching in an academic program. Reproducing custom courseware by using any other service provider on or off campus (e.g., Quad Books in the Maggie Benston Centre, Campus Printing Centre in the The Cornerstone Building) is illegal and could result in faculty and SFU being sued.

Where can you find more information?

The information circulars mentioned above are available on SFU's website at <http://www.sfu.ca/archives/CopyrightProgram.html>.

For information about ordering custom courseware see <http://www.sfu.ca/bookstore/Faculty/CustomCourseware.html>.

SFU has an intellectual property rights policy (R30.03) that addresses patents and copyright. Its focus is creator's rights and not user's rights. See <http://www.sfu.ca/policies/research/r30-03.htm>.

A more detailed summary about copyright is available on the Canadian Intellectual Property Office website at http://strategis.ic.gc.ca/sc_mrksv/cipo/cp/copy_gd_protect-e.html#6.

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