Copyright Compliance and Administration Policy

1. Purpose

1.1 The purpose of this policy is to define how the University manages its rights and obligations under Canada’s copyright law when copyright protected works in any media are used for a bona fide university teaching, learning, research and administrative purpose.

2. Scope

2.1 This policy applies to all University employees and students who reproduce and use copyright protected works in all media and formats in the course of University teaching, learning, research and administrative activities.

2.2 This policy applies when the copies made of an author’s work are not covered by the exceptions enumerated under Canada’s copyright law (e.g., fair dealing) and, without the copyright owner’s permission, would be copyright infringement.

2.3 For greater clarity and certainty, this policy applies only to the University entities listed in Schedule R30.04A.

2.4 This policy does not apply when University employees and students participate in non-University activities or in organizations that operate independent of the University, for example outside employment, volunteer or other activity in an area unrelated to University activities, or activity conducted wholly while on an unpaid leave of absence away from the University. See Schedule R30.04A for a list of those entities to which this policy does not apply.

3. Policy

3.1 The University’s copyright function will be located in and coordinated by the University Library.

3.2 The University will manage a university-wide copyright program through a copyright officer located in the University Library. The copyright officer, working with other departments that currently or in future perform copyright related responsibilities, will provide leadership, coordinate and help administer the following copyright activities:

   (i) Permissions and complaints,
   (ii) Advisory service,
   (iii) Education, training and outreach, and
   (iv) Policy and planning.

3.3 The University will negotiate, obtain all copyright permissions and licences and pay copyright fees, when these are required by law for teaching, research and learning materials used in the library system, course packs, online courses, blended courses and traditional courses. A central or program specific copyright clearance service will be delivered through the University Library, Bookstore and Centre for Online and Distance Education. Working together and using an integrated approach to copyright clearance, these units will try to maximize reciprocal reproduction and use rights for multiple purposes in print and digital form including library holdings, inter-library loan, library reserves, course packs, online courses, blended courses and traditional courses.
3.4 The University will provide university-wide copyright advisory services through a network of professional staff consisting of the copyright officer, liaison and other designated librarians, and designated Teaching and Learning Centre staff.

3.5 The University will prepare and deliver presentations and workshops to engage and educate SFU creators and users of copyright protected works, as well as train the in-house network of professional staff providing copyright advice and support. The University Library and Teaching and Learning Centre working together will deliver this service.

3.6 The University will manage copyright when using educational technology as well as its multi-function reproduction devices, which include photocopying, scanning and faxing capability. Information Technology Services will contribute its technical and functional analysis expertise and experience to advise on situations when copyrighted content is accessible through information technology systems as well as the use of open source, non-proprietary information technology applications.

3.7 The University will provide the institutional policy framework governing the copyright function and program, which is needed to systematically plan and coordinate copyright related matters university-wide, enabling business continuity and a single, consistent approach to copyright issues. The University Library, in consultation with the Vice-President, Legal Affairs, will prepare and maintain copyright policy documents.

3.8 The University will establish the related institutional resources and administrative tools needed to support an effective copyright program, including a central copyright website, information circulars and guidelines, business processes and workflows, record-keeping and reporting systems, information technology systems and the means to measure and evaluate the quantity, value and effectiveness of copyright licensing. The University Library will develop and maintain such resources working with other departments as needed.

3.9 The University will encourage and promote using alternatives to reduce the reliance on copyright protected works that require further permission or compensation, including those listed in Schedule R30.04B.

4. Responsible persons

4.1 The following persons have responsibilities under this policy; for details, see the procedures (if any) associated with each of these roles:

(i) The Vice-President, Research has executive responsibility for implementing this Policy.

(ii) The Dean of Library Services has responsibility for approving related procedures, standards, guidelines, forms and templates necessary to support this Policy.

(iii) The University Library has operational responsibility for coordinating a university-wide copyright program.

(iv) The University’s Copyright Officer has professional responsibility for coordinating compliance with copyright law and policy as well as the administration of copyright related activities university-wide.

(v) The Bookstore has responsibility for administering copyright activities related to the production and sale of custom courseware including course packs, books and textbooks.

(vi) The Bookstore and Information Technology Services have responsibility for monitoring the digital publishing marketplace and its integration with the University’s educational technology.

(vii) The Centre for Online and Distance Education has responsibility for administering copyright activities related to the production of course materials for its program.

(viii) Document Solutions has responsibility for administering copyright activities related to the reproduction service it provides direct to customers.

(ix) The University Library and Teaching and Learning Centre have responsibility for supporting and educating employees and students about copyright law, authors’ and users’ rights and how SFU manages copyright.
Information Technology Services has responsibility for administering provisions assigned by copyright law to Internet Service Providers (ISP) and considering how educational technology features may help manage copyright compliance and administration.

University employees and students have responsibility for complying with Canada’s copyright law and Simon Fraser University’s copyright policy and related policy documents using the available institutional resources and services.

5. Definitions

5.1 Author means the creator of the work.

5.2 Copyright means the right to make copies of or reproduce a given work. It is an intellectual property right in an original work of authorship (such as a literary, musical, artistic, photographic or film work) fixed in any tangible medium of expression, giving the copyright owner the exclusive right to reproduce, adapt, distribute, perform and display the work, and to authorize others to do the same. Copyright protects the expression of an idea, not the idea itself or facts.

5.3 Copyright owner means one who holds exclusive rights to copyrighted material.

5.4 Copyright protected work means:

(i) A creative work containing the original expression of an idea,
(ii) That is fixed by means of recording or expressed in some material form of more or less permanent endurance, and
(iii) The author is a citizen or resident of Canada or another treaty country.

5.5 Fair dealing means a user’s right to make a copy of a work without the copyright owner’s permission or payment of royalties when used for the purpose of research, private study, education, parody, satire, criticism or review or news reporting.

5.6 Infringement means an act that interferes with one of the exclusive rights of a patent, copyright or trademark owner:

(i) Copyright infringement means the act of violating any of a copyright owner’s exclusive rights granted by the federal Copyright Act. A copyright owner has several exclusive rights in copyrighted works, including the rights: 1) to reproduce the work, 2) to prepare derivative works based on the original work, 3) to distribute copies of the work, 4) for certain kinds of works, to perform the work publicly, 5) for certain kinds of works, to display the work publicly, 6) for sound recordings, to perform the work publicly, 7) to import into Canada copies acquired elsewhere and 8) to authorize others to exercise any of the rights.

(ii) Direct infringement means directly violating a right under the Copyright Act by doing any of the things or exercising any of the rights, which only the copyright owner may do without the copyright owner’s permission.

(iii) Indirect infringement means through dealings with infringing copies by means of sale or rent, distribution and importation.

5.7 Intellectual property means the intangible or “intellectual” nature of an object, e.g., the intellectual component is the words on a page and the expression of any ideas contained in those words. The physical component is the object itself, e.g., a book. The term “intellectual” is used to distinguish it from “property” law. The physical and intellectual components are separate. Thus, owning a book (the physical property) does not mean that one owns the right to copy that book (the intellectual property). Intellectual property law includes copyright law.
5.8 **Works** means published and unpublished creative works such as:

(i) Literary works including manuscripts, tables, and computer programs;
(ii) Dramatic works including recitation, choreography, mime, play, cinematography with dramatic elements;
(iii) Musical works including a musical composition; and
(iv) Artistic works including paintings, drawings, maps, charts, plans, photographs, engravings, sculptures, works of artistic craftsmanship and architectural works.

6. **Related documents**

6.1 The policy documents related to this policy include, but are not limited to, those listed below.

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7. **Policy Review**

7.1 This policy will be reviewed at least every three years from its date of first approval to reflect, as needed, changes in copyright law, its interpretation, application and administration.

8. **Interpretation**

8.1 Questions of interpretation and application will be referred to the President, whose decision is final.
APPENDIX A  Application of Fair Dealing under Policy R30.04
APPENDIX B  Standard for Evaluating if a Particular Instance of Copying is Fair Dealing under Policy R30.04
APPENDIX D  Application of Appendix R30.04A (Fair Dealing Policy) to Learning Management Systems
APPENDIX E  Application of Appendix R30.04A (Fair Dealing Policy) to the Production and Sale of Course Packs
APPENDIX F  Application of Appendix R30.04A (Fair Dealing Policy) to Audiovisual Works
APPENDIX G  Application of Appendix R30.04A (Fair Dealing Policy) to Musical Works and Sound Recordings
APPENDIX H  Application of Appendix R30.04A (Fair Dealing Policy) to Library Copying
APPENDIX I  Application of Appendix R30.04A (Fair Dealing Policy) to Teaching and Research by University Faculty and Staff
APPENDIX J  Application of Appendix R30.04A (Fair Dealing Policy) to the Student Activities of Learning and Research

R30.04 Schedule A - Entities Covered and not Covered by the Scope of Policy R30.04

R30.04 Schedule B - Alternatives to Reduce the Reliance on Copyright Protected Works that Require Further Permission or Compensation