

Draft Policy for Consultation
Use of Copyright Materials Policy
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Memorial University of Newfoundland

Use of Copyright Materials

Approval Date: 2011-05-09

Effective Date: 2013-04-09

Review Date: 2019-05-19

Authority:

Vice-President (Academic)

Principle

As an institution dedicated to excellence, Memorial University of Newfoundland (Memorial University) is committed to ethical behaviour and integrity in all activities including the use of copyright materials.

Purpose

This policy does not deal with questions of ownership of copyright materials created by Memorial University faculty, staff or students.

The policy outlines Memorial University's position on the use of copyright material by members of the institution. Effectively, this policy will:

- state Memorial University's position on the legal use of copyright materials by members of this institution;
- state Memorial University's position on the interpretation and application of the *Copyright Act* and related laws;
- serve to limit any potential legal liability of Memorial University and its faculty, staff and students for copyright infringement through the exercise of due diligence in use of copyright material; and
- be the basis to identify and implement specific procedures to effect compliance with copyright laws.

Scope

This policy applies to Memorial University and its separately incorporated entities. For greater certainty, it applies to anyone, including, but not limited to, faculty, staff and students of Memorial University and the separately incorporated entities, who use copyright material at Memorial University or through a website run by Memorial University.

Definitions

Author — The person(s) who created and fixed the form of the copyright work, and who are normally the first owner(s) of the copyright in the work.

Copyright Act/Copyright Laws — A Federal Act governing matters related to copyright, including regulations thereunder, and including case law which interprets the Copyright Act.

Copyright Material/Work — Any original literary, dramatic, musical or artistic work created with skill and judgment.

Copyright Owner/Rightsholder — The legal owner of a copyright work who can assert the rights of ownership.

Infringement — It is an infringement of copyright for any person to do, without the consent of the owner of the copyright, anything that the Copyright Act specifies the owner of the copyright has the exclusive right to do (see Rights of Ownership below).

Licences — Agreements between copyright owners or their licensing agents and end-users to allow for the use of their copyright works by granting prior permission that may be subject to certain terms. Memorial University has entered into agreements with some copyright owners to allow the ongoing use of some specific copyright material.

Licensing Agent — An individual or organization authorized by the copyright owner to act on their behalf.

Rights of Ownership — In relation to a copyright work, Section 3(1) of the Copyright Act refers to copyright ownership as the sole right to produce or reproduce the work or any substantial part thereof in any material form whatever, to perform the work or any substantial part thereof in public or, if the work is unpublished, to publish the work or any substantial part thereof. Moreover, copyright owners are solely entitled to exploit rights related to translation; conversion; recording; adaptation; communication by telecommunication; public exhibition; rental rights; and have the right to authorize any of the above. Respectively, Sections 15, 18, and 21 of the [Copyright Act](#) deal with: performers' rights; rights of sound recording makers; rights of broadcasters.

Use — Use of a copyright work can include reproduction, transmission, public performance, display and translation.

User — A User is any individual and/or party that uses copyrighted material owned by another.

User Rights — Specific legal rights provided by the Copyright Act to facilitate limited use of copyright works without the need for the consent of the copyright owner. Most significant for Memorial University is the right of "fair dealing", and the specific exceptions for educational institutions, libraries, archives and museums.

Policy

Memorial University is committed to compliance with copyright laws. The *Copyright Act* as well as related Memorial University policy and procedure govern the utilization of all copyright works by members of Memorial University. As members, all faculty, staff and students will endeavor to inform themselves of their legal duty and conduct their actions accordingly.

To use copyright works, members of Memorial University will have a number of options, depending on the copyright works to be used. In some cases, Memorial University has acquired licenses allowing users access to specific works for limited uses pursuant to negotiated contract terms. Some uses of copyright works may fall within the user rights provided under the *Copyright Act* for which no permission is required. Some further uses may require a process of seeking an express permission from the author or copyright owner prior to use. Where information and/or clarification are required to facilitate compliance, users may consult with Memorial University Libraries.

As unauthorized use of copyright works is contrary to law and subject to legal recourse, it is the responsibility of each member at Memorial University to exercise care in ensuring proper authorization has been obtained for their particular use. In addition to the entitlement of a copyright owner or their licensing agent to sue Memorial University and faculty, staff or students for infringement, Memorial University takes breaches of policy seriously. Memorial University is entitled to pursue incidents of non-compliance internally and/or under the relevant collective agreement.

Deans, Directors, Division Heads, Heads of Schools, Department Heads and Chairs are responsible for taking reasonable steps to implement the policy and ensure the necessary supports are in place to facilitate ongoing compliance.

Related Documents

[Copyright Act and Regulations \(Department of Justice, Canada\)](#)
[Memorial University Libraries Copyright Support](#)

[AUCC Fair Dealing for Universities](#)

For inquiries related to this policy:

[Memorial University Libraries](#)

Sponsor: Provost and Vice-President (Academic)

Category: Academic Affairs

Previous Versions:

There is at least one previous version of this policy. Contact the [Policy Office](#) to view earlier version(s)

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Policy Amendment History

Action: REPLACED

Date: 2019-05-31 09:36:16

This policy was replaced with a new version. Comment provided: Connected definitions using the definitions from the glossary.

Action: REPLACED

Date: 2022-08-31 08:30:16

This policy was replaced with a new version. Comment provided: 8/31/22 fixed links

Action: REPLACED

Date: 2023-11-07 09:28:37

This policy was replaced with a new version. Comment provided: Incidental Amendments approved by PEC in 2022
