

Policy Name:	Use of Copyright Materials Policy		
Policy No:	3.2	Approval Authority:	NSCAD Senior Management and Senate, jointly
Volume	3, Office of Academic Affairs and Research	Responsible Party:	Vice-President (Academic and Research)
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Policy Statement

NSCAD is committed to ethical behavior and integrity in handling the intellectual property created by others. As such, those involved in the use of copyrighted material must follow the requirements outlined in this document and related legislation and guidelines.

Reason for Policy

This policy outlines NSCAD's position on the use of copyright material by members of the University. This document will help limit any potential legal liability of NSCAD 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.

Policy Applies to

- All members and units of the University

Who Should Read this Policy

- All members of the University community including, but not limited to, faculty, staff and students who use copyright material at NSCAD or through a website run by the University

Contacts

Approval Authority: NSCAD Senior Management Team and Senate, jointly

Detail on policy meanings and application: Office of Academic Affairs & Research, 902-494-8125,

academicaffairs@nscad.ca

<http://nscad.ca/en/home/abouttheuniversity/administration/officeofacademicaffairsandresearch/default.aspx>

Day-to-day application of policies and related legislation and guidelines: NSCAD University Library, 902-494-8181,

ryoung@nscad.ca, <http://guides.nscad.ca/copyrightpages/home>

Definitions

Author:	For purposes of copyright, <i>Author</i> is broadly <i>defined</i> as the person who originates or gives existence to anything. Authorship determines responsibility for what is created.
Universities Canada:	Formerly known as AUCC, Universities Canada is a collective of member universities who research and develop public policy for the sector.
CAUT:	The Canadian Association of University Teachers undertakes extensive research, and publishes reports on behalf of their membership.
Copyright owner:	A bundle of intangible rights granted by statute to the author or originator of certain literary or artistic productions, whereby, for a limited period, the exclusive privilege is given to that person (or to any party to whom he or she transfers <i>ownership</i>) to make copies of the same for publication and sale.
Fair dealing:	A statutory exception to copyright infringement. It is a defence, with the burden of proof upon the defendant. To qualify under the fair dealing exception, the dealing must be for a purpose enumerated in sections 29, 29.1 or 29.2 of the Copyright Act of Canada (research, private study, education, parody, satire, criticism or review and news reporting), and the dealing must be fair.
Licenses:	Written contract under which the owner of a copyright, know how, patent, servicemark, trademark, or other intellectual property, allows a licensee to use, make, or sell copies of the original. Such agreements usually limit the scope or field of the licensee, and specify whether the license is exclusive or non-exclusive, and whether the licensee will pay royalties or some other consideration in exchange. While licensing agreements are mainly used in commercialization of a technology, they are also used by franchisers to promote sales of goods and services.
Non-compliance:	Failure to conform to the policy and/or legislative framework.
University:	NSCAD University

The Policy

1. Legislative basis and other guiding documentation and policy
 - 1.1. The Copyright Act
 - 1.2. Universities Canada Fair Dealing Policy for Universities
2. Use of copyright materials
 - 2.1. A number of options exist for using copyright material, depending on the materials to be used. These include:

- 2.1.1. Through licenses acquired by the University allowing users access to specific works for limited use pursuant to contract terms;
 - 2.1.2. Through user rights provided under the Copyright Act for which no permission is required;
 - 2.1.3. 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 the University Library.
- 2.2. As unauthorized use of copyright works is contrary to law and subject to legal recourse, it is the responsibility of each member of the 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 NSCAD University and faculty, staff or students for infringement, the University takes breaches of policy seriously. NSCAD is entitled to pursue incidents of non-compliance internally and/or under the relevant collective agreement.
- 2.3. 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.
3. Compliance
- 3.1. Failure to comply with this policy may result in disciplinary action, up to and including termination, in accordance with the relevant collective agreement or employment guidelines. NSCAD also retains the right to pursue any action, including criminal prosecution and civil remedies, when misuse of its information or resources is suspected either during the course of employment or after the termination of employment.
 - 3.2. This policy is intended to be complementary to other policies and collective agreements governing the conduct of faculty and staff. In situations where this policy may be in conflict with Collective Agreements, the Collective Agreements shall prevail.

Forms and Tools

Copyright Act and Regulations

<http://laws-lois.justice.gc.ca/eng/acts/c-42/>

Universities Canada Fair Dealing Policy for Universities

<http://www.univcan.ca/media-room/media-releases/fair-dealing-policy-for-universities/>

CAUT Guidelines for the Use of Copyrighted Material

[http://www.caut.ca/docs/default-source/copyright/revised-caut-guidelines-for-the-use-of-copyrighted-material-\(feb-2013\).pdf](http://www.caut.ca/docs/default-source/copyright/revised-caut-guidelines-for-the-use-of-copyrighted-material-(feb-2013).pdf)

NSCAD Copyright FAQs

<http://guides.nscad.ca/c.php?g=255049&p=1699984>

NSCAD Copyright Guide

<http://guides.nscad.ca/copyrightpages/home>

NSCAD Fair Dealing Guidelines

<http://guides.nscad.ca/copyrightpages/fairdealingguidelines>

NSCAD Copyright Guide: Policies and Legislation:

<http://guides.nscad.ca/c.php?g=255049&p=1700018>

Use of Copyright Materials Policy http://nscad.ca/site-nscad/media/nscad/AAR_CopyrightMaterialsUse.pdf

All policies are subject to amendment. Please refer to the NSCAD University Policy website (nscad.ca) for the official, most recent version.