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# Copyright Policy

## Purpose

- To advise the College Community on VCC's compliance with the [Copyright Act of Canada](#) and agreements between the College and licensed reproduction rights organizations;
- To reduce risk to the College that could result from copyright infringement;
- To clarify roles and responsibilities of the VCC community regarding copyright.

## Policy

Copyrighted materials reproduced and used by the VCC community, regardless of format, comply with the *Act* and the terms and conditions of any licensing agreements that may exist. Information is available in the [VCC Copyright Guide](#).

## Applies to

The VCC community.

## Procedures

- The Library provides copyright information and training to college community upon request;
- Employees are responsible for determining whether the material can be copied by checking the [VCC Copyright Guide](#)
- It is not necessary to seek copyright permission in the situations covered by Appendix A including incidental copying as noted in the [VCC Copyright Guide](#);
- It is necessary to seek copyright permission and/or keep records and pay additional charges in the situations covered in Appendices B and C.

## Replaces

VCC Policy 6.1.2.2 (1981) Curriculum/Instructional Materials  
Created within The College. Copyright/Patent  
VCC Policy 6.1.2.4 (1986) Copyright: General  
VCC Policy 6.1.2.3 (1994) Audio Visual Policy  
VCC Policy 6.4.2.2 (1986) Copyright on Materials Used by  
the College

## Definitions

**Copyright** is defined in the [Copyright Act of Canada](#) (R.S.C. 1999 c. C-42) as “the sole right to produce or reproduce the work or a substantial part thereof in any material form whatever, to perform, or in the case of a lecture to deliver the work or any substantial part thereof in public, or if the work is unpublished, to publish the work or any substantial part thereof...” According to the *Act*, protection of works is automatic and exists as soon as a work is created and in most cases continues until 50 years after the creator’s death.

**Licensed Reproduction Rights Organization**, such as [Access ©](#) (formerly CANCOPY), SOCAN, and [The Canadian Music Publishers Association](#), is defined in the *Act*, as a collective rights organization that represents Canadian copyright holders within Canada. It has agreements with copyright holders and negotiates license agreements to licensees such as VCC on behalf of copyright holders. The licensed reproduction rights organization, through bilateral agreements with other collectives, collects revenue from licensees and re-distributes royalties to copyright holders.

**Incidental Copying** is defined as photocopies, complying within the limits, restrictions and rules as set out in our [Access © license](#), provided free to each student in a class as handouts. Each copy distributed must be clearly marked with an *Access ©* notice.

**Copyright License** allows works to be copied from printed formats to printed format up to stated limits and within stated situations without any transfer of ownership. VCC’s license provided through *Access ©* gives blanket permission to use copyrighted works for instructional purposes from printed formats to printed format up to stated limits and within stated situations. VCC pays an annual license fee to *Access ©*. This license also allows VCC to sell course packs to students and reproduce copyrighted material for distance education students up to set limits. As per VCC’s [Access © license](#), VCC users are expected to report usage on tracking logs and pay additional fees as necessary to *Access ©*. Information

regarding the limits set within this license is available on the [VCC Copyright Guide](#). The College also reports copying of musical scores as necessary.

**Fair Dealing**, as stated in the *Act*, allows that small portions of copyrighted works may be copied for the purpose of private study, research, criticism, and review or newspaper summary if the source is clearly cited.

**Copy** is defined for this policy as any reproduction regardless of the format of the original or the format of the duplicate. A copy (or copies) may apply to reproduction from a variety of format sources, including, but not limited to, books; periodicals, CD-ROM; electronic databases; the Internet; computer software; artwork; written and recorded music; sound recordings; video recordings; illustrations; graphics; and photographs, for instructional or administrative use in any format (print, digital, audio-visual). It includes single and multiple copies and materials produced in foreign countries (see Appendix D for list of countries). It includes materials provided free or at a fee.

**Copyrighted Material** is defined as any material, regardless of format, covered by the *Act* and international treaties.

**Media Software** includes videotapes, films, slide sets, laser disks, DVDs, audio CDs etc. Computer software is not included; neither are media, which are parts of Learning kits.

**Course Packs** are anthologies of various materials, such as journal articles, book chapters and the instructor's own work, submitted by the faculty to the Bookstore, sent to Distance Education students, or bound and distributed to students by the instructor.

The [Director of Library and Learning Resources](#) manages the [Access © license](#) and ensures compliance and awareness to this policy.

## Responsibilities

VCC Policy      Policy on Curriculum/Instructional Materials  
Created Within the College: Copyright/Patent

## References

R.S.C. 1999, c.C-42 [Copyright Act of Canada](#)

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# APPENDIX A

## ALLOWABLE COPYING

**It is not necessary to seek copyright permission, pay additional fees, or engage in record keeping in the following situations:**

- Copying falls within the limits and guidelines of the [Access © license](#) agreement with VCC (see [VCC Copyright Guide](#)) including incidental copying, or another license agreement entered into by VCC;
- Copying is considered fair dealing;
- Reading or publicly reciting a reasonable extract from a published work;
- Making an overhead transparency of a copyright work for projecting on an overhead projector for educational purposes;
- Taping a single copy of a radio or television news program or news commentary, excluding documentaries, for educational purposes, provided the copy is destroyed after one year (see the VCC Off-Air Taping brochure).

# APPENDIX B

## PERMISSIONS REQUIRED

**Permissions must be sought for materials not covered by our *Access © License* agreement. These permissions must be attached to duplicating requisitions.**

Record keeping and payment of royalty fees may be necessary for use of some materials in print, media and digital formats.

### 1. **Reproduction and Use of Print Copyrighted Material Not Covered by *Access © License***

The requesting department shall initiate correspondence asking for copyright permission and will pay any royalty fees charged by a holder of copyright in the following situations:

- Photocopying of materials from publishers listed in the *Access © Exclusion List* (See Appendix C);
- Photocopying from published works beyond the limits set in our [Access © license](#), listed on the [VCC Copyright Guide](#), or does not qualify as fair dealing;
- Photocopying from published works from countries without bi-lateral agreements with Canada (see Appendix D).

### 2. **Print Materials for Use in Course Packs or Distance Education**

- Allowable limits and royalty fees for copyrighted material used in course packs are distributed to distance education learners are clearly outlined in the <http://library.vcc.ca/research/research-digitalcopyright.cfm> and <http://library.vcc.ca/research/research-copyrightguide.cfm>
- Copies of these materials are marked with an *Access ©* notice (labels are available from Media Services for this purpose), logged, and additional charges paid as per *Access ©* Copyright guidelines;
  - The [VCC Bookstore](#) handles all necessary procedures for course packs that must be sold through the Bookstore. On a quarterly basis, this information is forwarded to the [Director of Library and Learning Resources](#) for reporting and payment to *Access ©*;
  - Departments distributing materials to distance education students must provide *Access ©* notice on each copy, track these copies on [log sheets](#) and pay additional charges. On a quarterly basis, this information is forwarded to the [Director of Library and Learning Resources](#) for reporting and payment to *Access ©*;

- To determine whether material falls within the set limits, consult with the [VCC Library](#) and/or the [VCC Copyright Guide](#).

### **3. Media Software including Videos and Films**

- Media software cannot be copied, in whole or part, or be transferred to the same or other medium without the written permission of the copyright owner;
- Some VCC owned videos and films have license restrictions. Contact the [VCC Library](#) for any license information;
- Videos not cleared for educational purposes (i.e. videos borrowed from a video store) require temporary public performance rights. See the [VCC Library](#) for information. Any fees are paid by the requesting department;
- Purchase of media software is facilitated by the Library ensuring copyright compliance, inclusion of Public Performance Rights, and resource sharing;
- Contact the [VCC Library](#) for assistance.

### **4. Off – Air Taping of Television and Radio Programming**

Copyright legislation dictates specific guidelines for off air taping.

- It is permissible to make off-air copies of news broadcasts and news commentary programs and use these materials at the College before an audience consisting primarily of students for up to one year;
- Other types of materials may be taped and kept for a maximum of 30 days for preview purposes only;
- Media Services keeps records and pays royalty fees. Contact VCC Media Services for information, assistance and logging forms.

### **5. Reproduction of Digital Information from World Wide Web to Any Format**

- Web sites are considered published works with copyright protection. Use of this material for anything other than Fair Dealing requires written permission;
- A Web Site may provide permission to copy for educational purposes or other specific purposes. If a Web Site does not clearly state this information, request permission from all relevant copyright owners prior to the material being used at

VCC. Any fees associated with these clearances are the responsibility of the requesting department;

- Contact the [VCC Library](http://library.vcc.ca/research/research-digitalcopyright.cfm) for assistance or <http://library.vcc.ca/research/research-digitalcopyright.cfm>

## 6. Reproduction and Use of Print Works into Digital Formats

Permission is required for the reproduction and use of print works to digital format. Any fees associated with these clearances are the responsibility of the requesting department.

- Permission may be obtained directly through a publisher or through *Access*®. [Access ©'s clearance service](#) (Post-Secondary Electronic Course Content Service) provides permission to use copyrightable print items in a digital format at a fee;
- Contact the [VCC Library](http://library.vcc.ca/research/research-copyrightguide.cfm) for assistance or <http://library.vcc.ca/research/research-copyrightguide.cfm>

## 7. Reproduction and Use of Digital Information from Electronic Databases to Any Format

The VCC Library offers access to several electronic databases containing full-text versions of journals.

- Making single copies of articles for personal, non-commercial use is generally considered Fair Dealing;
- Each database contains a statement regarding copyright or conditions of use;
- Permission may be required on databases that do not allow copying for educational purposes;
- Contact the [VCC Library](http://library.vcc.ca/research/research-copyrightguide.cfm) for necessary license information.

## 8. Reproduction and Use of Music

SOCAN, The Society of Composers, Authors and Music Publishers of Canada and the [Canadian Music Publishers Associations](#) are reproduction rights organizations administering the performing rights of composers, lyricists, songwriters and their publishers and those of affiliated international societies.

- Permission is required and royalties paid by the requesting department for photocopying of sheet music;
- Logs may be filled in and submitted digitally through [Access ©](#) to obtain this permission;

- Contact the [VCC Library](#) for information.

## **9. Use of Computer Software**

All computer software is governed by license agreements.

VCC negotiates agreements for some software allowing employees to borrow and reproduce computer software when stated conditions of use are respected.

VCC users must understand the license agreement for the software they are using and ensure compliance with the agreement.

- Contact <mailto:it@vcc.ca>

# APPENDIX C

## EXCLUSIONS LISTS

Please click on the following link for the most current information:

<http://library.vcc.ca/research/research-copyrightguide.cfm#Exclusions>.

## APPENDIX D

### INTERNATIONAL COPYRIGHT TREATIES

#### Countries adhering to the Berne Union for the Protection of Literacy and Artistic Works:

Argentina	Holy See	Niger
Australia	Hungary	Norway
Austria	Iceland	Pakistan
Belgium	India	Philippines
Benin	Ireland	Poland
Brazil	Israel	Portugal
Bulgaria	Italy	Romania
Cameroon	Ivory Coast	Senegal
Canada	Japan	South Africa
Chad	Lebanon	Spain
Chile	Liechtenstein	Sri Lanka
Congo	Luxembourg	Sweden
Cyprus	Madagascar	Switzerland
Czechoslovakia	Mali	Thailand
Denmark	Malta	Togo
Fiji	Mauritania	Tunisia
Finland	Mexico	Turkey
France	Monaco	United Kingdom
Gabon	Morocco	Upper Volta
Germany	Netherlands	Uruguay
Greece	New Zealand	Yugoslavia
		Zaire

#### Countries adhering to the Universal Copyright convention:

Algeria	Guatemala	Netherlands
Andorra	Haiti	New Zealand
Argentina	Holy See	Nicaragua
Australia	Hungary	Nigeria
Austria	Iceland	Norway
Bangladesh	India	Pakistan
Belgium	Ireland	Panama
Brazil	Israel	Paraguay
Bulgaria	Italy	Peru
Cameroon	Japan	Philippines
Canada	Kenya	Portugal
Chile	Khmer Republic	Senegal
Costa Rica	Laos	Soviet Union
Cuba	Lebanon	Spain
Czechoslovakia	Liberia	Sweden
Denmark	Liechtenstein	Switzerland
Ecuador	Luxembourg	Tunisia
Fiji	Malawi	United Kingdom
Finland	Malta	United States
France	Mauritius	Venezuela
Germany	Mexico	Yugoslavia
Ghana	Monaco	Zambia
Greece	Morocco	

**1. Policy Sponsor** Director Library and Learning Resources

**2. Approvals:**

President \_\_\_\_\_ Date: \_\_\_\_\_

Education Council Chair \_\_\_\_\_ Date: \_\_\_\_\_

Operations Council Chair \_\_\_\_\_ Date: \_\_\_\_\_

Board Chair \_\_\_\_\_ Date: \_\_\_\_\_

**3. Amendments**

President \_\_\_\_\_ Date: \_\_\_\_\_

Education Council Chair \_\_\_\_\_ Date: \_\_\_\_\_

Operations Council Chair \_\_\_\_\_ Date: \_\_\_\_\_

Board Chair \_\_\_\_\_ Date: \_\_\_\_\_

**4. Review Date**