

	<p>POLICY</p> <p>Number: 7311-50-005 Title: Copyright</p>
<p>Authorization</p> <p>[] President and CEO [X] Vice President, Finance and Corporate Services</p>	<p>Source: Director, Interprofessional Practice, Education and Research Cross Index: 7311-50-010 Date Approved: January 2, 2002 Date Revised: April 11, 2014 Date Effective: April 16, 2014 Date Reaffirmed: Scope: SHR and Affiliates</p>

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OVERVIEW

With the ease, availability and access to information through a variety of sources and in a variety of media, it is important for all SHR staff to understand that many of these resources have copyright restrictions attached to them and they are not necessarily freely available to use without first obtaining permission from the copyright holder. The *Copyright Act* and other related legislation outline the protections afforded to copyright holders and directs the use of these materials by others.

DEFINITIONS

Copyright means the legal right to produce or reproduce a work as specified in the *Copyright Act*.

Electronic Resource means any published or non-published material available in machine-readable format.

Fair Dealing means that works protected by copyright may be produced or reproduced for the purpose of research, private study, education, criticism, review, news reporting, parody or satire as specified in the *Copyright Act*.

Infringement means producing or reproducing any work protected by the *Copyright Act* or a license agreement without the authority to do so.

License Agreement means the contract between an electronic resource vendor and a Saskatoon Health Region department, establishing and outlining the licensee's rights and limitations in using the licensed electronic resource.

Moral Rights mean the author's or owner's rights that his/her work not be modified, used in association with a product, service, cause or institution without his/her consent, or associated by name or pseudonym to his/her work, and the author's or owner's right to remain anonymous.

Print Resource means any inked text or image that has been transferred to a printing surface.

Production means to make available for public exhibition or to disseminate.

Reproduction means making a duplicate of any work by hand or any other process.

SHR Staff means employees, practitioner staff, professional staff, affiliate employees, contractors, students, and volunteers.

1. PURPOSE

The purpose of this policy is to establish Saskatoon Health Region's (SHR's) responsibility and staff accountability in complying with the *Copyright Act*, other relevant legislation and any electronic resource license agreements entered into by or on behalf of SHR.

2. PRINCIPLE

SHR has the responsibility to ensure that all staff and users of the medical library are educated on how to comply with Canadian Copyright law and electronic resource license agreements in their work or use of library resources.

3. POLICY

3.1 SHR supports and complies with the *Copyright Act* and other relevant legislation.

3.2 SHR supports and complies with all license agreements with electronic resource vendors entered into by staff for the purposes of their work.

3.3 The *Copyright Act* grants the authors/owners of all original literary, dramatic, musical and artistic works¹ the sole right to produce or reproduce their works or any substantial part of them² for a set term.

3.4 The *Copyright Act* grants exceptions to the restrictions outlined in section 3.3 of this policy through "fair dealing"³.

3.4.1 "Fair dealing" allows for reproduction for the purpose research, private study, education, parody or satire⁴.

3.4.2 "Fair dealing" allows for reproduction for the purposes of criticism, review or news reporting if properly cited⁵.

3.5 License agreements entered into by SHR may place restrictions or allowances on the use of electronic resources that override Canadian Copyright law.

¹ Copyright Act, RSC 1985, C-42, 5, 1.

² Copyright Act, RSC 1985, C-42, 3, 1.

³ Copyright Act, RSC 1985, C-42, 29.

⁴ Copyright Modernization Act, SC 2012, C-20, 29.

⁵ Copyright Act, RSC 1985, C-42, 29

4. ROLES AND RESPONSIBILITIES

4.1 All Staff

- 4.1.1 Ensure that work for SHR complies with Canadian Copyright law and any relevant license agreements.
- 4.1.2 Make reasonable efforts to determine if Copyright laws apply, if there are any relevant license agreements and determine how the material can be used.
- 4.1.3 Consult Medical Library staff when unsure if a particular use of an original work would constitute infringement.
- 4.1.4 Verify copyright prior to submitting requisitions to Printing Services; attach copyright permissions to printing requisitions as required (see Appendix B).

4.2 Managers, Directors, Administrators (or designate)

- 4.2.1 Ensure staff are informed of and abide by SHR's copyright policy.
- 4.2.2 Ensure all services comply with Canadian Copyright law and any relevant license agreements.

4.3 Medical Library staff

- 4.3.1 Ensure that all Medical Library services comply with Canadian Copyright law and any relevant license agreements.
- 4.3.2 Advise, by means of a note or stamp, when providing a copy of an original work that it must be used solely for the purpose of research or private study and that any other use may require permission from the copyright owner.
- 4.3.3 Advise institutions making inter-library loan requests of copyright restrictions relevant to their requests.
- 4.3.4 Post notices within the immediate vicinity of all photocopiers, printers, and scanners in the Medical Library locations advising of copyright and license agreement protection.
- 4.3.5 Provide current copyright guidelines to SHR staff and respond to staff questions regarding copyright compliance.

5. POLICY MANAGEMENT

The management of this policy, including policy education, monitoring and implementation is the responsibility of the Medical Library staff. Amendment is the responsibility of Director, Interprofessional Practice, Education and Research.

6. NON-COMPLIANCE/BREACH

Non-compliance with this policy will result in a review of the incident. Claims of infringement and documented cases of non-compliance with this policy will result in a review of the situation by the Medical Library or Director responsible for the Medical Library. Repeated non-compliance may result in disciplinary action up to and including termination of employment and/or privileges with SHR.

7. REFERENCES

Copyright Act, Revised Statutes of Canada (1985, c. C-42). Retrieved from the Department of Justice website <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>

Copyright Modernization Act, Statutes of Canada (2012, c. 20). Retrieved from the Department of Justice website http://laws-lois.justice.gc.ca/eng/annualstatutes/2012_20/page-1.html

Exceptions for Educational Institutions, Libraries, Archives and Museums Regulations, Statutory Orders and Regulations/99-325. Retrieved from the Copyright Board of Canada website <http://www.cb-cda.gc.ca/act-loi/regulations-reglements/99325-e.html>

PROCEDURE

Number: 7311-50-005

Title: Copyright

Authorization

President and CEO
 Vice President, Finance and Corporate Services

Source: Director Interprofessional Practice, Education and Research

Cross Index:

Date Approved: January 2, 2002

Date Revised: April 11, 2014

Date Effective: April 16, 2014

Date Reaffirmed:

Scope: SHR and Affiliates

1. PURPOSE

The purpose of this procedure is to establish the process to be followed when using print or electronic material during the course of employment with SHR.

2. PROCEDURE

- 2.1 Review and abide by *SHR Copyright Guidelines* (see Appendix A).
- 2.2 Consult the Medical Library if uncertain whether a specific act of reproduction of an original work will infringe Canadian Copyright law or any relevant license agreements.
- 2.3 When submitting a requisition to Printing Services for copyright protected materials, obtain written permission from the copyright holder (where required), and attach to the requisition form (see Printing Services [Duplicating Requisition Form #100063](#)).

3. PROCEDURE MANAGEMENT

The management of this procedure, including procedures education, monitoring, implementation and amendment is the responsibility of the Director, Interprofessional Practice, Education and Research.

4. NON-COMPLIANCE/BREACH

Non-compliance with this procedure will result in a review of the incident. Claims of infringement and documented cases of non-compliance with this procedure will result in a review of the situation by the Medical Library or Director responsible for the Medical Library. Repeated non-compliance may result in disciplinary action up to and including termination of employment and/or privileges with SHR.

SHR Copyright Guidelines

INTRODUCTION

Saskatoon Health Region (SHR) adheres to Canadian Copyright law and license agreements for all electronic resources.

It is the responsibility of SHR staff user to ensure that s/he is in compliance with Canadian Copyright law and electronic resource license agreements. Fines for being found guilty of copyright or license agreement infringement can be significant.

Licensed electronic resources include databases, electronic journals, electronic books, and point-of-care tools purchased by SHR or the Saskatchewan Health Information Resources Partnership for the use of SHR employees. Vendors can place greater restrictions or freedoms on the use of their electronic resources, which supersede Copyright law.

Fair Dealing is an exception to the *Copyright Act* and *Copyright Modernization Act* that allows for the reproduction, without permission from the copyright holder, of one copy of an insubstantial portion of an original work for the purpose of research, private study, education*, parody, satire, criticism or review.

* The Saskatoon Health Region does not qualify as an 'educational institution as defined by the Copyright Act, and as such, does not qualify for the fair dealing exception for 'education.' Individual departments or units within SHR may qualify for this exception.

© The copyright symbol is a reminder. All original works are protected by the *Copyright Act*, regardless of whether the copyright symbol is displayed or not.

GUIDELINES

These guidelines provide you with some common dos and don'ts related to copying and using original works. If you have any questions regarding compliance with the *Copyright Act* or electronic resource license agreements, please contact the Medical Library.

General

- ✓ You can include information (a direct quote or paraphrased content) found in an original work in your own written work (e.g. research paper) as long as you properly cite and credit the source
- ✓ You can print one copy of a digital copy of an article retrieved through inter-library loan
- ✗ You **cannot** copy a print copy of an article retrieved through inter-library loan (as you received the one copy that is permitted by Copyright law)
- ✗ You **cannot** use a digital copy of an article retrieved through inter-library loan for more than 5 business days
- ✗ You **cannot** save a **digital copy** of an article retrieved through inter-library loan

Print Materials

'Print materials' refers to all print copies of journals, clinics, books, etc. 'Print materials' do not include any diagrams or images contained within the text.

Copying and Using Print Materials

- ✓ You can make one copy for the purpose of research, private study, education, parody or satire.
- ✓ You can make one copy for the purpose of criticism, review or news reporting as long as you properly cite and the credit the source
- ✓ You can make one copy of less than a "substantial part" of a journal issue, clinic, or book
- ✓ You can make one copy of less than a "substantial part" of a newspaper or magazine issue that was published at least one year ago
- ✗ You **cannot** make multiple copies of articles for distribution to others (including journal clubs), unless you seek permission from the copyright holder
- ✗ You **cannot** copy a "substantial part" of a journal issue, clinic or book, unless you seek permission from the copyright holder
- ✗ You **cannot** change, modify or adapt an original work

Diagrams, Images, Tables, Figures, Graphics and Photographs

Diagrams, images, tables, figures, graphics and photographs are viewed as stand-alone works and hold a separate copyright from any text that they are included in.

Copying and Using Diagrams, Images, Tables, Figures, Graphics or Photographs

- ✓ You can make one copy for the purpose of research, private study, education, parody or satire.
- ✓ You can make one copy for the purpose of criticism, review, or news reporting as long as you properly cite and the credit the source
- ✗ You **cannot** include a diagram, image, table, figure, graphic or photograph as a part of your own work without permission from the copyright holder (this includes the use of comics)
- ✗ You **cannot** change, modify or adapt an original work

Audio and Video

'Audio and video' refers to all physical and digital copies of audio and video recordings.

Copying and Using Audio and Video

- ✓ You can make one copy for the purpose of research, private study, education, parody or satire.
- ✓ You can make one copy for the purpose of criticism, review, or news reporting as long as you properly cite and the credit the source
- ✗ You **cannot** display a video recording in a public area, such as a waiting room, without public performance rights
- ✗ You **cannot** display a video recording over a hospital television network or intranet without broadcast rights
- ✗ You **cannot** change, modify or adapt an original work

Data/Facts

Data and facts are not protected by the *Copyright Act*. A particular presentation of data or facts is protected, however.

Copying and Using Data or Facts

- ✓ You can copy and use data or facts in your own work as long as you properly cite and credit the source
- ✗ You **cannot** copy or use a table, graph, or any other representation of data or facts without the permission of the copyright holder

The Internet

Content found on the Internet does have copyright protection.

Copying and Using Internet Content

- ✓ You can make one copy for the purpose of research, private study, education, parody, or satire
- ✓ You can make one copy for the purpose of criticism, review, or news reporting as long as you properly cite and credit the source
- ✓ You can upload/download information onto/from the Internet such as text, images, and video/audio clips that are in the public domain or for which the copyright holder has granted permission
- ✗ You **cannot** upload/download any content onto/from the Internet such as text, images, and video/audio clips without the permission of the copyright holder
- ✗ You **cannot** forward emails containing original ideas or creative content without the permission of the author

Licensed Electronic Resources

'Licensed electronic resources' refers to all paid subscription resources, including databases, electronic journals, electronic books, and point-of-care tools.

Copying and Using Licensed Electronic Resource Content

- ✓ You can print, copy or download licensed electronic materials for work-related purposes
- ✓ You can print patient education handouts for patients
- ✗ You **cannot** email (as an attachment) licensed electronic materials
- ✗ You **cannot** print, copy or download an entire issue of an electronic journal at one time or over consecutive sessions
- ✗ You **cannot** print, copy or download the entirety of an electronic book at one time or over consecutive sessions without verifying that the vendor allows this (some do, so please check with the SHR Medical Library staff)
- ✗ You **cannot** print, copy or download content from any licensed electronic resources for family, friends, or colleagues outside of SHR.

Open Access

'Open access' refers to original scholarly works that are available through unrestricted online access.

Copying and Using Open Access Materials

- ✓ You can make one copy for the purpose of research, private study, education, parody or satire
- ✓ You can send a link to open access content by email
- ✓ You can make one copy for the purpose of criticism, review or news reporting as long as you properly cite and credit the source
- ✓ You can make one copy of less than a "substantial part" of a journal issue, clinic, or book
- ✗ You **cannot** assume that Open Access content is free of copyright restrictions (check the website or webpage for copyright permissions)

Public Domain

'Public domain' refers to original works ('intellectual property') for which the copyright has expired, been forfeited, or is inapplicable.

Regardless of country of origin of a work, the *Copyright Act* protects an original work for a set period of time depending on the type of work and author(s). Please speak to SHR Medical Library staff if you have any questions about the length of copyright protection on an original work.

Copying and Using Works in the Public Domain

- ✓ You can copy and use works in the public domain without limitation
- ✓ You can reproduce or alter a work in the public domain to create a new work in which you would hold copyright
- ✗ You **cannot** assume that an original work is in the Public Domain (you must verify it before proceeding)