
Copyright

Policy Number:	1315
Key Process Area:	Student Development
Owner:	VP AR
Current Approved Date:	Jan 21, 2021

POLICY STATEMENT

This policy outlines what copying, either in print or electronic format, is and is not permitted under the exception for fair dealing sections 29 to 29.2 of the Copyright Act of Canada.

New Brunswick Community College (NBCC) is bound by, and operates under, the Copyright Act of Canada, thus the use of any copyright material, other than that permitted under the Copyright Act of Canada fair dealing provision, is strictly prohibited.

PURPOSE

The purpose of this policy is to translate some of the high-level principles of fair dealing into practical rules applicable to NBCC and outline the activities that can be conducted under the fair dealing exception without infringing copyright.

SCOPE AND LIMITATIONS

This policy applies to all students, staff, contractors, and consultants of NBCC.

1.0 DEFINITIONS

Fair Dealing Exemption

Fair dealing is a user's right in copyright law permitting use of, or "dealing" with, a copyright protected work without permission or payment of copyright royalties. The fair dealing exception in the Copyright Act allows you to use other people's copyright protected material for the purpose of research, private study, education, satire, parody, criticism, review, or news reporting, provided that what you do with the work is 'fair'. If your purpose is criticism, review, or news reporting, you must also mention the source and author of the work for it to be fair dealing.

2.0 IMPLEMENTATION

2.1 The exception for fair dealing in the Copyright Act of Canada permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing exception, the following criteria must be met:

- a) The "dealing" must be for a purpose stated in the Copyright Act of Canada: research, private study, criticism, review, news reporting, education, satire, and parody.
- b) The dealing must be "fair." In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what these criteria means in schools and postsecondary educational institutions.

NBCC has appointed the Coordinator of Library Services to act as Copyright Officer to advise on whether copying outside the scope of the copying guidelines in this policy are for one of the fair dealing purposes of research, private study, review, criticism, or news reporting, and in all the circumstances, whether the making of the copies is fair.

2.1.1 Copying Guidelines

The following copying guidelines are intended to clarify for NBCC staff, students, contractors, and consultants the boundaries set out by NBCC when copying from published works:

- a) NBCC staff and students may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire and parody. (d) (b), (c)
- b) A short excerpt refers to:
 - i. up to 10% of a copyright-protected work including a literary work, musical score, sound recording, and an audiovisual work)
 - ii. one chapter from a book, iii. a single article from a periodical
 - iv. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
 - v. an entire newspaper article or page
 - vi. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores, and
 - vii. an entire entry from an encyclopedia, annotated bibliography, dictionary, or similar reference work
- c) Copying or communicating short excerpts from a copyright-protected work under this exception for fair dealing for the purpose of news reporting, criticism or review should mention the source, and if given in the source, the name of the author or creator of the work.
- d) A single copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course as:
 - i. a class handout
 - ii. a posting to a learning or course management system that is password protected or otherwise restricted to students of a school or post-secondary educational institution
 - iii. part of a course pack
- e) Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
- f) Copying or communicating that exceeds the limits in this fair dealing provision may be referred to the Coordinator of Library Services or other person designated by NBCC for review. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
- g) Any fee charged by the educational institution for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the institution, including overhead costs.

2.1.2 No copies may be made of the following:

- a) unpublished works
- b) proprietary workbooks, work cards, assignment sheets, tests, and examination papers
- c) instruction manuals
- d) newsletters with restricted circulation intended to be restricted to a fee-paying clientele; or
- e) business cases which are made available for purchase

2.1.3 Each paper copy reproduced by Interlibrary Loan, Library Reserve and Document Delivery shall contain, on at least one page, the name of the author or artist (where known), the title of the publication from which the copy was made, the name of the publisher of that publication, and the following statement:

"This copy is made solely for the use by a student, staff member, faculty member or library patron for research, private study, review, criticism or news reporting. Any other use may be an infringement of copyright if done without securing the permission of the copyright owner."

2.1.4 Each electronic copy reproduced by Interlibrary Loan, Library Reserve and Document Delivery have the information and statement referred to in section 2.1.3 on at least one page, except for an electronic copy made available from a server pursuant to this policy. Instead that information and statement could be associated with the copy in such a manner so as to be noticed by the person accessing the copy.**3.0 OTHER RELATED DOCUMENTS**

Copyright Act of Canada

Copyright Act of Canada for Students (1315.4943)

Copyright Standard (1315.4980)

Quick Copyright Guide for Staff (1315.4943)