

# Copyright Quick Guide for Print and Video/DVD

The Canadian Copyright Act protects the sole and exclusive right of the creator to reproduce, perform or publish a work, as well as protecting the reputation of creators and the rights of performers. It protects the expression of ideas, not the ideas themselves. The duration of copyright is 50 years until the calendar year end after the author's death. All 'written documents', in print or digital format, are protected by copyright. All letters, including email are protected by copyright. A lecture which is fixed in some form is protected. Canada's copyright law is quite different from that of the U.S. For instance, Canada has no such thing as a blanket educational exemption.

## What can you copy without obtaining permission from the copyright holder?

- Some copying is possible under the concept of 'fair dealing' which means that copies can be made for the purposes of research, private study, criticism review or news reporting (does not include multiple copies for class sets). However, 'fair dealing' is a very nebulous concept and no one is entirely sure how much of a defence it would be against charges of copyright infringement.
- "Insubstantial amounts" (very tricky to determine what is meant by insubstantial but 1-2% is a rough rule of thumb unless that 1-2% forms the essence of the work)
- Federal and Ontario statutes and judicial decisions (not B.C's)
- Works in the public domain
- Single copy of an article from a journal if it is more than one year old

In addition, commencing January 2011, Kwantlen operates under the **Access Copyright Interim Post-Secondary Educational Institution Tariff**, 2011-2013. In essence the interim tariff continues the terms and conditions of the previous licence agreement with Access Copyright.

This allows copying of:

- Up to 10% of a published work or a maximum of one chapter of a book whichever is the greater
- An entire short story, play, essay, article or poem
- An entire newspaper or periodical article
- An entire entry from a reference work
- Copies to replace damaged or missing pages
- An entire artistic work reproduced in a book or periodical
- Journal articles of any age for classroom distribution
- Articles or part of a book for Library Reserve

The fee we pay to ACCESS COPYRIGHT also allows us the right to:

- Make multiple copies of above to use as class handouts for students
- Make slides or overheads (if not commercially available) from printed material
- Make copies for course packs (see Copyright Guide for more information)

It is important to note that there are a number of exceptions to what the **Access Copyright Interim Post-Secondary Educational Institution Tariff** covers (including photographs, unpublished works, government publications, publishers not participating in ACCESS COPYRIGHT). This does not mean that copying would not be possible, just that you could not copy without express permission from the copyright holder.

### **What can't you do under the Access Copyright Interim Post-Secondary Educational Institution Tariff?**

You cannot change or adapt the published work (copies must be exact with no cutting or pasting; cannot change the look in any way).

You cannot photocopy more than 10% of the same publication for the same course in the same year (no cumulative photocopying).

Scanning a document is only permitted for the purpose of producing paper copies and then the digital copy must be destroyed--permanent storage in digital form is not allowed.

Only print format is covered, not digital. Digital rights must be obtained on an individual basis in order to create and/or use a digitized copy of any image, audio, video/DVD or multimedia program.

### **Video/DVDs:**

- All video/DVDs shown in a classroom setting must have Public Performance rights.
- The majority of video/DVDs in the Kwantlen collection are purchased with these rights.
- Any venue that is not a private home is considered a Public Performance site.
- Making a compilation of video/DVD clips may only be done with written permission from all rights holders.
- Documentary or educational video/DVDs that have been borrowed from a public library or a video/DVD store should not be shown in the classroom.
- Legal copies of a large number of feature films are covered under our Feature Film licence so can be shown in the classroom.
- Please see the online Audiovisual and Electronic Resources Copyright Guide for more details on the do's and don'ts of showing video/DVDs in a classroom.

### **Student work**

Students own the work they create. Although the original could be circulated in class, copies of student work cannot be made without obtaining permission.

For more detailed information on copyright, refer to the library guides:

**Copyright Guide (Print)**

**Audiovisual and Electronic Resources Copyright**

<http://kwantlen.ca/library/services/resourceforfaculty.html>