

<b>Policy Number</b>	<b>1.2</b>
<b>Title</b>	<b>Copyright Policy</b>
<b>Section</b>	<b>1: General</b>
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It is the responsibility of all Library staff to comply with the *Copyright Act* and with the terms of all licensing agreements of the Cobourg Public Library. This *Copyright Policy* is to provide direction to Library staff in order to avoid any legal actions that might otherwise result from infringements of copyright. While staff cannot provide legal advice to Library patrons, it is the responsibility of staff to advise patrons of their rights and responsibilities under the *Copyright Act*, when applicable.

## Definitions

**Access Copyright**, The Canadian Copyright Licensing Agency – is a not-for-profit agency established by publishers and creators to license public access to copyrighted works.

**Copyright** – Copyright, in relation to a work, means the sole right to produce or reproduce or permit others to reproduce, a work or any substantial part thereof in any material form whatever. Copyright is automatic, it begins upon the creation of a work and generally lasts until 50 years after the death of the creator.

**Fair Dealing** – The *Copyright Act* indicates that people may use copyrighted materials without obtaining the permission of, and/or paying royalties to the copyright holder, if the use is considered to be one of 'fair dealing'. Fair dealing for the use of research or private study is not considered an infringement of copyright (there are other fair dealing exemptions cited in the *Act*).

**Public Domain** – There are temporal limitations on copyright in a work. Once copyright has expired items can be used freely without obtaining permission of, and/or paying royalties to the copyright holder. The item is then considered to belong in the 'public domain'.

## Terms and Conditions

The *Copyright Act* identifies some exceptions to copyright protection relative to libraries, (and archives and museums). When libraries, or a person acting under library authority, are engaged in the following activities, it is not considered an infringement of copyright:

1. making, for the maintenance or management of its permanent collection or the permanent collection of another library, archive or museum, a copy of a work or other subject-matter, whether published or unpublished, in its permanent collection

(a) if the original is rare or unpublished and is

(i) deteriorating, damaged or lost, or

(ii) at risk of deterioration or becoming damaged or lost;

(b) for the purposes of on-site consultation if the original cannot be viewed, handled or listened to because of its condition or because of the atmospheric conditions in which it must be kept;

(c) in an alternative format if the original is currently in an obsolete format or the technology required to use the original is unavailable;

(d) for the purposes of internal record-keeping and cataloguing;

(e) for insurance purposes or police investigations; or

(f) if necessary for restoration

**Limitations:** Sections (a) to (c) do not apply where an appropriate copy is commercially available in a medium and of a quality that is appropriate for Library use, acting on behalf of any person under the legitimate provisions of fair dealing

2. making reproductions for any person requesting to use the copy for research or private study, a copy of a work that is, or that is contained in, an article published in

(a) a scholarly, scientific or technical periodical; or

(b) a newspaper or periodical, other than a scholarly, scientific or technical periodical, if the newspaper or periodical was published more than one year before the copy is made. (Section (b) however does not apply in respect of a work of fiction or poetry or a dramatic or musical work.)

**Limitations:** Libraries may make such copies only on condition that:

(a) the person for whom the copy will be made has satisfied the Library that the person will not use the copy for a purpose other than research or private study; and

(b) the person is provided with a single copy of the work.

3. making print reproductions of, on behalf of a person who is a patron of another library, archive or museum, anything that it is authorized by the Act to do on behalf of a person who is one of its patrons, but the copy given to the patron must not be in digital form.

## **Machines Installed in Libraries**

The *Copyright Act* identifies some exceptions to copyright protection relative to machines installed in libraries (as well as in educational institutions, archives and museums). A library does not infringe copyright when:

(a) a copy of a work is made using a machine for the making, by reprographic reproduction, of copies of works in printed form;

(b) the machine is installed by or with the approval of the library on its premises for use by persons using the library; and

(c) there is affixed in the prescribed manner and location a notice warning of infringement of copyright.

**Limitations:** This section of the *Act* only applies if, in respect of a reprographic reproduction:

(a) the library has entered into an agreement with a collective society that is authorized by copyright owners to grant licenses on their behalf;

(b) the Board has, in accordance with the *Act*, fixed the royalties and related terms and conditions in respect of a license;

(c) a tariff has been approved in accordance with the *Act*; or

(d) a collective society has filed a proposed tariff in accordance with the *Act*.

### **Reproduction and Use of Copyrighted Print Materials**

The Cobourg Public Library has an *Access Copyright* Public Library Photocopying License agreement. Under this agreement the Library receive permission in advance for most copying by payment of a license fee.

This license permits Library staff and patrons to copy from a large number of commercially published books, magazines, journals and newspapers without infringing copyright.

There are limits on the amount of a work that may be copied. The maximum proportion varies according to the type of license, but it does not exceed 20% of the total work except in the following instances:

- newspapers -- an entire article, photograph, or the whole page may be copied
- periodicals -- an entire article, essay, poem, short story, play or reproduction of an artistic work may be copied from an issue or volume containing other works
- in-print books -- an entire article, essay, poem, short story, play, case or reproduction of an artistic work may be copied from a book containing other works, or an entire chapter if the chapter is less than 20% of the book
- out-of-print books -- up to 100% may be copied, after confirmation by Access Copyright that the work is out of print in all available editions, and a separate fee may be levied.

There are certain exclusions to the license. Without the permission of the rights holder, Access Copyright will not knowingly authorize copying for partisan, public political activities or for endorsement or advertising. Nor will it authorize copying from:

- unpublished works
- any materials intended for one-time use (such as workbooks)
- commercial newsletters
- originals of artistic works (including photographs and prints)
- print music
- works that are excluded

### **Audiovisual Materials**

All audio visual recordings shown in the Library must be legal copies and must have Public Performance rights or are covered by the Library's Feature Film license.

### **Computer Software**

The Library will install and use only computer software for which it holds a legal license. All terms and conditions of such licenses must be adhered to.

### **Material on the Internet**

Library staff will not use any copyrighted material, such as music, video clips, graphics, etc. from other websites, unless the material is clearly in the public domain or permission is stated on the web site. Otherwise permission must be obtained from the copyright holder prior to use.

### **Licensed Electronic Databases**

The Library has license agreements with owners of electronic databases that generally permit the downloading and creation of printouts of materials retrieved through the databases, for internal or personal use. All terms and conditions of such licenses must be adhered to.

Library staff will not knowingly use any format of any copyrighted material inappropriately or illegally.

**Approved: December 14, 2005**

**CEO: \_\_\_\_\_**