
Copyright Policy

1. PURPOSE

This policy specifies requirements regarding the Use of Copyright Protected Works so that Members of the University Community understand their rights and responsibilities and apply practices that are respectful of licensing agreements, permissions, and User Rights in Copyright law. St. Mary's University (the "University") is committed to creating and upholding an environment of responsible Use of Copyright Protected Works through Copyright literacy, promoting the Use and creation of Open Access and Open Education Resources, and the lawful management of Copyright Protected Works.

2. SCOPE

The policy applies to all Members of the St. Mary's University Community. This policy supersedes all predated copyright policies.

3. DEFINITIONS

Copyright is the protection that Copyright Protected Works receive under international and Canadian law which includes the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform the work or any substantial part thereof in public or, if the work is unpublished, to publish the work of any substantial part thereof, for a limited time depending on context and jurisdiction.

Copyright Protected Work is an original literary, dramatic, musical, or artistic work under the protection of Copyright, excluding works that are in the Public Domain.

Creative Commons License is a public copyright license that a copyright holder applies to their work to define how their works may be shared or adapted and redistributed without the need for users to seek additional explicit permission.

Fair Dealing is a User Right to produce copyrighted works for private study, research, criticism, review, news reporting, parody, satire, or education.

Approval Authority	Responsible Office	Effective Date	Date Last Revisited	Review Frequency
Academic Council	Academic	October 28, 2024		Every 5 Years

Licensing Agreement is an agreement between two parties where one party, the licensor, grants or assigns defined rights to the other party, the licensee. The agreement typically outlines the parameters of how a work can be used and by whom.

Open Access is unrestricted online access to research literature and outputs typically through an open access journal or repository.

Open Education Resources are Teaching and learning materials that have no access charges, are available, have no technical access barriers, and can be used, shared, or adapted without permission of the owner in accordance with an open license ^a (e.g. Creative Commons License).

Public Domain works with no restriction on their use, such as the expiry of Copyright.

Members of the University Community include all faculty members, staff, administrators, students, visiting scholars, and anyone using Copyright Protected Works in their association with the University.

Moral Rights are rights adhering to the author of the work, regardless of who owns the copyright. These include the Right of Paternity (right to claim authorship), Right of Integrity (to prevent distortion of the work), and Right of Association (to prevent use in association with a particular entity). Moral Rights are for the same term as Copyright but cannot be transferred.

Use of a Copyright Protected Work which includes reproduction, transmission, public performance, display, and translation.

User Rights are the Legal rights provided by Copyright law without the need for permissions from a holder of a copyright protected work, including Users' rights for the following persons or contexts, amongst others: Fair Dealing, persons having perceptual disabilities, copies used by faculty members for purposes of testing or examinations, back-up or remedial copies of computer programs, performance uses by or for students, and other provisions for educational institutions, libraries, archives, and museums.

4. ROLES AND RESPONSIBILITIES

University Responsibilities

The University will support the Use of Copyright protected works through the provision of the following services:

- a) the creation and delivery of educational materials to promote copyright literacy and the appropriate Use of Copyright Protected Works;

- b) the acquisition and management of Library resources, both physical and electronic, including articles, eBooks, and streaming media whether through purchases, permissions, or licenses related to Copyright Protected Works;
- c) the management and retention of records related to Copyright Protected Works, including permissions, contracts, and licenses; and
- d) the provision of advisory and permission services to Members of the University Community regarding the Use of Copyright Protected Works.

The University will encourage the creation and Use of Open Access and Open Education Resources. Where the University owns the Copyright in works specifically commissioned by the University under a written contract, the University will normally adopt a permissive licensing scheme, such as a Creative Commons license, to maximize the Use of the Copyright Protected Work. The appropriate license selected by the University will normally require attribution of the author and preclude commercial use of the Copyright Protected Work.

5. MEMBERS OF THE UNIVERSITY COMMUNITY RESPONSIBILITIES

All Members of the University Community must exercise due diligence in the Use of Copyright Protected Works, including:

- a) complying with Canadian Copyright law;
- b) complying with Licensing Agreements of Copyright Protected Works;
- c) aligning the Use of the Copyright Protected Work with any permissions received from the owner of the Copyright; and
- d) staying informed regarding Copyright and the Use of Copyright Protected Works.

Any Member of the University Community engaged in the Use of Copyright-Protected Work that is unauthorized or in breach of the Copyright Act, a licensing agreement, or applicable permissions may be subject to disciplinary action under the appropriate University policy, Code of Conduct, or collective agreement.

6. USE OF COPYRIGHT PROTECTED WORKS

The University supports and promotes the responsible Use of Copyright Protected Works and actively acquires a diverse collection of learning resources including articles, e-books, and streaming media, for Members of the University Community.

The use of Copyright Protected Works may fall under User Rights, such as Fair Dealing, or be permitted pursuant to applicable Licensing Agreements or permissions granted by the owner of the Copyright.

Where a proposed Use of Copyright Protected Work falls outside of User Rights or applicable Licensing Agreements or permissions, the University may facilitate the process of obtaining permissions or suggest alternative resources.

7. EXCEPTIONS AND LIMITATIONS

This policy does not address intellectual property rights, which are governed by the St. Mary's Faculty Association Collective Agreement.

8. RELATED POLICIES

- Copyright Act, RSC 1985 c C-42
- StMU Student Code of Conduct Policy
- StMU Intellectual Property Policy