

PURPOSE

The purpose of the Copyright Policy is to clarify Vaughan Public Libraries' (VPL) position related to Copyright legislation.

ROLE AND RESPONSIBILITY

Vaughan Public Libraries respects copyright. Most of the material in the Libraries' collections is subject to copyright held by others. In such cases, there may be restrictions on reproduction. It is not the role of Library staff to interpret the *Copyright Act* for customers. Responsibility regarding copyright arising in connection with the use of the copy is the responsibility of the customer making the copy, whether the customer uses their own or library equipment to make the copy. Vaughan Public Libraries will make available copies of the *Copyright Act* (the "Act") and post signage to make customers aware of the *Copyright Act*.

COPY IS PERMITTED UNDER FAIR DEALING

Fair dealing is a long-standing feature of Canadian copyright law that permits certain uses of copyright material in ways that do not unduly threaten the interests of copyright owners, but which could have significant social benefits – but only if they are fair.

Fair dealing is not a blank cheque. Fair dealing in Canada is limited to eight specific purposes: research, private study, criticism, review, news reporting, education, satire and parody.

1. Vaughan Public Libraries staff and customers may make single copies for specific purposes under the fair dealing provision of the *Copyright Act*.
2. The specific purposes are research, private study, criticism, review or news reporting, education, satire and parody. Any doubt concerning the legitimacy of staff copying for these purposes will be referred to a Library supervisor.
3. Discretion must be used as to the amount of copying. No copies will be made for any purpose other than research, private study, criticism, review, news reporting, education, satire or parody.
4. Vaughan Public Libraries' copying services, whether the copy is made by Library staff or a customer, are provided without a motive of financial gain. The fee charged is intended to cover a portion of the costs of the Library.

SELF-SERVE COPIES CAN BE MADE BY CUSTOMERS

- *Under fair dealing for the purposes of research, private study, criticism, review, news reporting, education, satire or parody, in paper or electronic form.* Copying for any other purpose may require the authorization of the copyright owner of the work being copied. In cases where authorization from the copyright owner is required – for example, when a copy is required for publication in a book or on a website, or for broadcast purposes – the customer must obtain authorization from the copyright holder before a copy can be made. Responsibility regarding copyright arising in connection with the use of the copy is the responsibility of the customer making the copy.
- *Of material in the public domain, in paper or electronic form.* Copyright protection has a set time limit:
 - ♦ Usually the life of the author plus 50 years.
 - ♦ If the identity of the author is unknown, the copyright of the work will be 50 years following its first publication or 75 years following its making.
 - ♦ For posthumous works, 50 years following the publication, public performance or communication to the public by telecommunication.
 - ♦ For joint authorship, life of the author who dies last plus 50 years.

- ♦ For any publication under the direction of Her Majesty or any government department, the publication year plus 50 years.

When that time ends, the work may fall into the public domain. Works in the public domain are free from copyright protection and may be used without permission or the payment of royalties. Some works may also have been created under a specific creative commons license agreement to allow their reproduction; these works may be used according to the terms of their specific creative commons license.

LIBRARY STAFF HELPING CUSTOMERS WITH THE MULTI-FUNCTIONAL PRINTER

(See Section 30.2 of the *Copyright Act*)

- *Copies in paper form:*
 - ♦ Library staff making a single copy for a customer must be satisfied that the copy is requested for research or private study. The copy of a work can be an article published in:
 - a scholarly, scientific or technical periodical; or
 - a newspaper or periodical that was published more than one year before the copy is made.Any use of the copy for a purpose other than research or private study may require authorization of the copyright owner of the work in questions.
 - ♦ Restriction: Copy of fiction, poetry, dramatic or musical work cannot be made.
- *Copies in digital form:*
 - ♦ Library staff may provide a copy in digital form to a person who has requested it through another library, if the providing library takes measures to prevent the person who has requested it from:
 - a) making any reproduction of the digital copy, including paper copies, other than printing one copy of it;
 - b) communicating the digital copy to any other person; and
 - c) using the digital copy for more than five business days from the day on which the person first uses it.
- *Destruction of intermediate copies:* When an intermediate copy is made in order to copy a work when helping customers, once the copy is given to the customer, the intermediate copy must be destroyed.

COPIES CAN BE MADE BY STAFF

(See Section 30.1 of the *Copyright Act*)

- *Under fair dealing for the purposes of a customer's research, private study, criticism, review, news reporting, education, satire and parody, in paper or electronic form.* Use for any other purpose may require the authorization of the copyright owner of the work being copied.
- *Of material in the public domain, in paper or electronic form.* Copyright protection has a set time limit:
 - ♦ Usually the life of the author plus 50 years.
 - ♦ If the identity of the author is unknown, the copyright of the work will be 50 years following its first publication or 75 years following its making.
 - ♦ For posthumous works, 50 years following the publication, public performance or communication to the public by telecommunication.
 - ♦ For joint authorship, life of the author who dies last plus 50 years.
 - ♦ For any publication under the direction of Her Majesty or any government department, the publication year plus 50 years.

When that time ends, the work may fall into the public domain. Works in the public domain are free from copyright protection and may be used without permission or the payment of royalties. Some works may also have been created under a specific creative commons license agreement to allow their reproduction; these works may be used according to the terms of their specific creative commons license.

- *To perform any one of six maintenance or management activities:*
 - 1) copying rare or unpublished original which is deteriorating, damaged, or lost, or at risk of deteriorating or becoming damaged or lost,
 - 2) copying 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,
 - 3) copying into an alternative format if the original is currently in a format that is obsolete or is becoming obsolete, or that the technology required to use the original is unavailable or is becoming unavailable,
 - 4) copying for internal record keeping and cataloguing,
 - 5) copying for insurance purposes and police investigations, or
 - 6) copying for restoration.

Making a copy for activities (1), (2) and (3) is not permitted if the work is commercially available in a medium and of a quality that is appropriate.

- *Destruction of intermediate copies.* If an intermediate copy must be made in order to make a maintenance copy, the intermediate copy must be destroyed as soon as it is no longer needed.

Additional copying for staff is permitted under the license with Access Copyright. See the “**ACCESS COPYRIGHT LICENSE**” for details.

POST A WARNING ON SELF-SERVICE MULTI-FUNCTIONAL PRINTERS

(See Section 30.3 of the *Copyright Act*)

The *Copyright Act* provides that a library is not legally responsible for what their customers do on self-serve copying machines on their premises. However, the *Act* requires that a copyright notice, containing at least the following information, be affixed to, or within the immediate vicinity of, every multi-functional printer, in a place and in a manner that is readily visible and legible to persons using the multi-functional printer.

Works protected by copyright may be copied on this multi-functional printer only if authorized by:

1. The *Copyright Act* for the purpose of fair dealing or under specific exceptions set out in that *Act*; or
2. The copyright owner.

The *Copyright Act* provides for civil and criminal penalties for infringement of copyright.

A copy of the *Copyright Act* can be obtained at the Information Desk.