



THE UNIVERSITY OF WINNIPEG

POLICY TITLE: Copyright Policy

EFFECTIVE DATE: October 18, 2016

APPROVAL BODY: University Administration

POLICY PURPOSE

The purpose of this Policy is to ensure, as far as is reasonable and practicable, that the use of copyright-protected materials is in compliance with applicable legislation, licensing agreements, and permissions.

LEGAL AUTHORITY

The Copyright Act R.S.C., 1985, C. C-42

APPLICABILITY

This Policy applies to all University Employees, students, and other persons who may Use Copyright-protected Materials in the course of their association with the University.

RESPONSIBILITY

The Provost and Vice-President, Academic, on behalf of University Administration, is responsible for the development, administration, and review of this Policy.

KEY DEFINITIONS

The following definitions apply to terms as they are used in this Policy:

- “Communicate”, “Communicated”, or “Communicating” means: transmitting, disseminating, distributing, posting, or otherwise making available.
- “Communication Signal” means: radio waves transmitted through space without any artificial guide, for reception by the public.
- “Copied”, “Copy”, or “Copying” means: producing or reproducing.
- “Copyright” means: exclusive rights owned by authors, performers, makers, and broadcasters pursuant to the Copyright Act.
- “Copyright Act” means: the Copyright Act R.S.C., 1985, C. C-42, as amended from time to time.
- “Copyright-protected Material” means: a Material in which Copyright subsists, whether explicitly registered or not.



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- “Employee” means: University faculty, staff, contractors, and volunteers to the extent such volunteers are directly involved in the education of students.
- “Fair Dealing” means: an exception to infringement of Copyright, as described in sections 29 through 29.2 of the Copyright Act, and a right of users.
- “Material” means: a Work, a Performer’s Performance, a Sound Recording, or a Communication Signal, or any substantial part thereof.
- “Performer’s Performance” means: any of the following when done by a performer
 - a performance of an artistic Work, dramatic Work, or musical Work, whether or not the Work was previously fixed in any material form, and whether or not the Work’s term of Copyright protection under the Copyright Act has expired,
 - a recitation or reading of a literary Work, whether or not the Work’s term of Copyright protection under the Copyright Act has expired, or
 - an improvisation of a dramatic Work, musical Work, or literary Work, whether or not the improvised Work is based on a pre-existing Work.
- “Sound Recording” means: a recording, fixed in any material form, consisting of sounds, whether or not of a performance of a Work, but excludes any soundtrack of a cinematographic Work where it accompanies the cinematographic Work.
- “Use”, “Used”, or “Using” means: Copying, selling, renting, performing, publishing, converting, Communicating, exhibiting, or adapting.
- “Work” means: a distinctive and original work of authorship, and the title thereof, including literary, dramatic, musical, and artistic creations.

POLICY ELEMENTS

The University respects intellectual property and the exclusive rights of Copyright holders to make certain Use of their Materials. The University also respects the rights of Fair Dealing and educational Use of Copyright-protected Materials, as well as other rights of users, recognized by statute and common law. The University strives to be in compliance with applicable legislation, as well as licensing agreements and permissions entered into with Copyright holders. Accordingly, the Use of Copyright-protected Materials shall only be for purposes authorized under the Copyright Act or applicable licensing agreements, contracts, and permissions.

No person shall Use Copyright-protected Materials in the course of their association with the University except in accordance with law and the provisions of this Policy. Failure to comply may result in penalties or disciplinary action being taken up to and including removal from position or office, termination of contract, employment, or association, or commencement of legal action as may be applicable.



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ASSOCIATED PROCEDURES

- Copyright Procedures

RELATED POLICIES

- Not Applicable

RELEVANT DATES

Effective: **October 18, 2016**

Scheduled Review: **October 18, 2021**
