

Procedure Title:	<b>Copyright Procedure</b>

### 1. Purpose and Scope

The purpose of this document is to ensure compliance to the University of Niagara Falls (UNF) Copyright Policy (Policy number 1101) and the Copyright Act. It applies to all members of the UNF community, including students, faculty, and staff, and should be implemented to guide the use of any copyrighted materials.

Most materials used at UNF are subject to copyright. For the purpose of this document, “use” is defined as any activity involving the communication, performance, or reproduction of a work, by any means and in any format. Examples include but are not limited to:

- Scanning a work
- Uploading a work to platform such as D2L
- Showing a video in class, whether in person or online
- Adding images and other media to presentation slides or other documents
- Creating a course pack

It is the responsibility of UNF community members to ensure that any works used either:

- Fall under an exception laid out in the Copyright Act, or
- Have been legally obtained without violating any license or agreement

Any technological protections in place to restrict access or reproduction of a material may not be circumvented under any circumstances.

### 2. Related Policies and Legislation

- [UNF Copyright Policy](#)
- [Copyright Act](#)

### 3. Procedure for the Use of Copyrighted Materials

When considering using a work in part or in its entirety, consider the following:

- a. Is the material in the public domain? If so, it can be used without restrictions
  - i. Notes: a work is in the public domain once the copyright license has expired, been forfeited, or is otherwise inapplicable. Copyright licenses in Canada are valid for the life of the creator plus 70 years, and may be renewed
- b. Is the material published as an Open Access work? If so, it can be used in accordance with the Creative Commons or Open Source license specified
  - i. Notes: Creative Commons and the Open Source Initiative (OSI) offer copyright licensing with few or no restrictions on usage. Find the types of Creative Commons licenses [here](#), and OSI licenses [here](#)
- c. Does the material fall under an existing licensing agreement with UNF? If so, use in accordance with the agreement

- i. The UNF Library has direct licenses with various vendors, publishers, and aggregators. Users are encouraged to consult Library staff for more information on using specific works
- d. Is use of the material permitted under an exception in the Copyright Act, such as fair dealing? If so, it can be used in accordance with those provisions
  - i. Notes: See section 4 of the UNF Copyright Policy for more information on Fair Dealing Guidelines. Please note that as UNF is a for-profit institution, exceptions applicable to non-profit education institutions are not relevant
- e. Can permission to use the material be obtained from the Copyright holder? If so, it can be used once written permission has been obtained
  - i. Notes: Permission from the copyright holder or its representative (such as a publisher) must always be obtained if usage of a work is not covered by another provision of the Copyright Act. If the copyright owner or representative cannot be located, the Copyright Board of Canada may be able to issue a license. Find more information [here](#)

If none of the above scenarios are applicable, the work cannot be used in part or in its entirety. UNF community members are encouraged to consult a Library staff member if unsure about the licensing of a particular work, or for assistance in finding alternative materials that can be used in compliance with the Copyright Policy.