

## SUMMARY: UBC COPYRIGHT ISSUES

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### BACKGROUND

Access Copyright, a Canadian copyright licensing agency, is seeking approval from the Copyright Board of Canada of a new tariff that is unacceptable for several reasons. The new tariff includes highly intrusive rights for Access Copyright to audit and access secure communications networks, records and systems of universities on an annual basis. It will also significantly increase the costs to students for access to teaching and research materials.

UBC (together with other major universities) believes that operating within such a tariff would be harmful to the UBC community and therefore decided to opt out of the proposed tariff, effective August 31, 2011.

UBC and its faculty members have always been required to respect the legal rights of copyright owners, whether in the prior Access Copyright environment, or the new copyright environment that UBC is transitioning into. In light of the new copyright environment, we are all coming under greater scrutiny from copyright owners generally and Access Copyright specifically. Therefore, it is even more critical now that UBC faculty members, staff and students comply with the applicable copyright laws. UBC does not control copyright owners and they may choose to pursue individuals or UBC or both. Breaches can have serious legal and financial consequences for both UBC and the wrongdoer.

### KEY ISSUES

If you wish to reproduce a substantial part of a copyrighted work, you may only copy the work if the *Copyright Act* specifically allows you to do so, or if you have express permission from the copyright owner. The following sets out some key practical copying issues that UBC faculty members should be aware of, and the changes (if any), resulting from UBC opting out of the Access Copyright ("AC") tariff:

Issue	Change resulting from AC opt-out
1. Some of the Library's e-journal or e-book licenses (see the UBC Library License Information Database at <a href="http://licenses.library.ubc.ca/">http://licenses.library.ubc.ca/</a> ) allows material to be posted in UBC's course management systems (e.g. WebCT/Vista). However, for those works not covered by UBC digital licences, scanning and posting of copyrighted materials onto UBC's course management systems (e.g. WebCT/Vista), without consent to do so from the copyright owner is not permitted, unless it is for the purposes of criticism, review or news reporting in accordance with the <a href="#">Fair Dealing Guidelines for Members of the UBC Community</a> . You can provide access to materials by linking directly to UBC licensed content such as e-journals or e-books	No change.
2. The "fair dealing exception" allows any person to make a single copy of a copyrighted work for the purposes of research, private study, criticism, review or news reporting in accordance with the <a href="#">Fair Dealing Guidelines for Members of the UBC Community</a> .	No change.
3. The <i>Copyright Act</i> also provide other educational exceptions, as described under the <a href="#">Copyright Guidelines for UBC Faculty, Staff, and Students</a> .	No change.
4. If you need to make copies of a work to be included in a course pack for sale to students, the UBC Bookstore will take care of this for you, including ensuring that the required copyright approvals are obtained.	The course pack costs for students have increased from \$0.10/per page to \$0.12/per page.
5. Providing links to content is acceptable, as opposed to e-mailing or posting PDFs of copyrighted material (unless it is for the purposes of criticism, review or news reporting in accordance with the <a href="#">Fair Dealing Guidelines for Members of the UBC Community</a> ).	No change.
6. Photocopying class sets of materials, e.g. making multiple photocopies of an article is not permitted unless UBC has a license permitting such distribution (e.g. under a digital license), or the copyright owner has given permission.	You now need to check if UBC has a digital license which allows this, or obtain consent from the copyright owner (the AC licence previously allowed photocopying from print works for class distribution).



Infringing copyright is a serious matter and UBC has always required its faculty, staff and students to comply with copyright law.

#### WHAT IS UBC DOING TO SUPPORT YOU?

UBC has established a centralized Copyright Advisory Group to help the UBC community understand copyright obligations and minimise liability for copyright infringement. This group has been developing various communication measures to help develop awareness and education on this issue. We are doing our best to educate the UBC community by bringing these important issues to the community's attention and providing resources and support to help with the transition.

UBC is working on a number of fronts to support its faculty members and students:

#### **Supporting the Digital Learning Environment:**

- Developing a university-wide plan for sharing educational resources in digital (especially open-access) repositories.

#### **Enabling Access to Materials:**

- Developing a new course pack service that enables timely distribution of print materials through the UBC Bookstore.
- Establishing a central permission service that clears and tracks copyright for the UBC community.

#### **Providing Information and Advice:**

- Coordinating activities and responding to questions and inquiries from the UBC community through a university-wide Copyright Advisory Group.
- Developing and delivering educational programs and resources for faculty, staff and students on copyright obligations and procedures.
- We continue to develop a number of resources to support copyright compliance for the UBC community. Please refer to the following to find the latest information on the copyright matter:
  - UBC Copyright website – [www.copyright.ubc.ca](http://www.copyright.ubc.ca) (see [Copyright Guidelines for UBC Faculty, Staff, and Students](#), [Fair Dealing Guidelines for Members of the UBC Community](#), [Distributing Course Resources](#) and [Copyright FAQ](#))
  - UBC Library License Database – [licenses.library.ubc.ca](http://licenses.library.ubc.ca)

We will work with faculty and staff to ensure you have the appropriate information and advice to remain compliant with the new copyright requirements. You are encouraged to seek assistance by contacting the UBC Copyright Advisory Group or the appropriate campus contact at <http://copyright.ubc.ca/copyright-contacts/>.

#### **Protecting Faculty Members from Legal Liability:**

- Enhancing instructional support for faculty to update materials and ensure appropriate permissions have been obtained for digital materials. In particular, we will be leveraging the migration of learning content from the current Learning Management System Web CT/Vista to UBC's new Blackboard system as an opportunity to implement best practices for copyright compliance.
- Implementing information system updates and procedural changes to enhance UBC's ability to demonstrate due diligence.
- Strengthening and/or establishing relationships with other institutions and publishing organizations to meet the common challenges.