

## Agency Copyright and Use of Images, Audio and Video Policy

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### **Introduction**

Canada's Copyright Act sets out the rights and obligations of both copyright owners and users. Copyright law protects original works, in particular, literary works (text), artistic works (images), musical works (audio) and dramatic works (videos). The Act grants copyright owners the sole and exclusive right to reproduce, perform or publish a work. Registration is not required for copyright to be effective - it exists as a right upon creation of the work.

Infringement of copyright can result in civil litigation pursued on behalf of the copyright holder and/or criminal penalties including fines and/or imprisonment.

As technology has advanced, the making of high-quality reproductions of original works has become easier, cheaper and more widely accessible. However, the fact that these works may be easily available does not automatically mean they can be reproduced and reused without permission. This policy guides the use of text, images, audio and video in presentations, resources or documents created to enhance communication, collaboration, knowledge and information exchange for both internal and external purposes.

For further information on this see [The Copyright Act](#).

### **Purpose**

To inform Simcoe Muskoka District Health Unit Board of Health members, employees, students, volunteers and contractors of their rights and obligations in relation to the creation, use, reproduction and distribution or performance of copyrighted works and to define the accountabilities, policies and procedures to ensure compliance with the legislation.

### **Legislative Authority**

Copyright Act (R.S.C., 1985, c. C-42)

### **Policy Definitions and Interpretation**

**Audio:** Sound, especially when recorded, transmitted, or reproduced.

**Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

**Copyright:** The exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something (as a literary, musical, or artistic work).

**Copyright infringement:** The use of works protected by *copyright* law without permission, *infringing* certain exclusive rights granted to the *copyright* holder, such as the right to reproduce, distribute, display or perform the protected work, or to make derivative works.

**Fair Dealing:** The fair dealing clauses of the Canadian Copyright Act allow users to engage in certain activities relating to research, private study, education, parody, satire, criticism, review, or news reporting.

**Images:** “Images” include photographs, digital photographs, digital images, video recordings, or electronic files containing a graphic image or series of images, as well as any physical or digital reproduction or copies of digital photographs, digital images, video recordings, or files.

**Original works:** Include every original literary, dramatic, musical, and artistic work in the literary, scientific or artistic domain in any mode or form of expression. This includes, but is not limited to: books, articles, online resources (information from web sites), audiotapes, charts, computer software, letters, maps, photographs, recordings, television shows, songs, videotapes and the like.

**Page:** The specific portion of a website or social media platform where content is displayed, and managed by an individual or individuals with administrator rights.

**Post:** Content an individual shares on a social media site or the act of publishing content on a site.

**Profile:** Information that a user provides about himself or herself on a social networking site.

**Public Domain:** The state of belonging or being available to the public as a whole, and therefore not subject to copyright. Under the Canadian government copyright protection expires after a certain period of time, 50 years after the author of the work has died.

**Rights holder:** A person or organization that owns the legal rights to something.

**Social Media:** Online tools, technologies and practices that are used to share information and opinions, connect with people and organizations, and build relationships. It allows users to engage through various means, including text, picture, video, audio and real-time dialogue. Examples include, but are not limited to, social networks (e.g Facebook), blogs (e.g. Wordpress), microblogs (e.g. Twitter), wikis (e.g. Wikipedia), video sharing (e.g YouTube), photo sharing (e.g. Pinterest), discussion forums and podcasts. It is also a continuously evolving way to communicate.

**Video:** An electronic medium for the recording, copying, playback, broadcasting, and display of moving visual and audio media.

**Wiki:** Web page(s) that can be edited collaboratively.

## **Policy**

### **A. Copyright Ownership**

The Simcoe Muskoka District Health Unit will be cited as the corporate author for all works developed by health unit employees, students, contracted staff or volunteers during the course of their employment/placement with the agency. These works are deemed to be the property of the health unit and the health unit will own copyright for these works.

All Requests for Proposal requiring the development/creation of original works will clearly identify the Simcoe Muskoka District Health Unit as author and copyright owner of the work to be developed/created. Contractors are required to sign a contract acknowledging health unit ownership of copyright for the works.

Where the health unit as the corporate sponsor holds the copyright on behalf of non-legal entities such as a community coalition or special project, the health unit will establish a

written agreement with the project funding body specifying Copyright ownership both during and after the lifetime of the project/collective.

When health unit staff, students or volunteers author/develop work in conjunction with other agencies, the respective Program Manager or designate will negotiate with members of the partner agencies for acknowledgement of Simcoe Muskoka District Health Unit's contributions to the work.

The health unit does not require a copyright notice to be displayed on its authored and owned works as ownership is assumed. The health unit does require acknowledgement on the material adapted or reproduced original works owned by the health unit.

## **B. Reproducing, Distributing or Adapting Copyrighted Works**

Health Unit staff are prohibited from copying or performing copyrighted works unless the action is authorized by:

- a) specific exceptions defined by the Copyright Act, or
- b) a license agreement with a copyright collective (Access Copyright), or
- c) permission from the copyright owner.

The permission of the copyright owner will be obtained in writing prior to reproducing, adapting or distributing copyrighted works.

Where works clearly identify that reproduction and distribution is allowed without permission, the source of the work will be acknowledged.

## **C. General Policy Administration**

Management will orient staff, students, contractors and volunteers to their rights and obligations under this policy and ensure compliance with the policy.

The Health Unit Library Technician will function as the contact person for the purposes of policy interpretation and administration.

## ***Procedures***

### **A. Creating Original Works**

When services of an external party are engaged on behalf of the health unit to develop/create an original work, the Department Director or designate will:

1. Clearly outline in a written contract signed by both parties the requirement for agency ownership of the copyrights for the work.
2. The Director or designate will forward the signed agreement to the Administrative Coordinator, Program Foundations and Finance for filing along with a copy of the work developed/created.

### **B. Reproducing, Distributing or Adapting Original Works**

Under the Copyright Act the following applies:

Text:

- Copying entire original works or copying substantial portions of original works without written permission from the copyright holder is not permitted.

- Making multiple copies of any portion of a work without written permission from the copyright holder is not permitted. The “fair dealing” clause in the Copyright Act permits an individual to copy, without permission, a portion of a published work for private study, research, criticism, review or news summary. If copying is for criticism, review or news summary, the source and author’s name must be mentioned.
- When copying from a book, copying may not exceed 10 per cent of a book whether copying is in sequence or from various segments.
- A copy of an original work can be posted electronically to a controlled access site if it is solely for the purpose of facilitating users’ rights to fair dealing for the purpose of research or private study.
- When copying from a magazine, periodical, serial or conference proceedings, one article in five from any one issue may be copied unless that article comprises more than 10 per cent of the whole issue. Popular magazines and newspaper articles less than one year old may not be copied.

Image:

- Copying entire original works or copying substantial portions of original works without written permission from the copyright holder is not allowed.
- Making multiple copies of any portion of a work without written permission from the copyright holder is not permitted. The “fair dealing” clause in the Copyright Act permits an individual to copy, without permission, a portion of a published work for private study, research, criticism, review or news summary. If copying is for criticism, review or news summary, the source and author’s name must be mentioned.
- When searching images online (e.g. through Google) results returned by an image search have copyright owners and are not free to reproduce on health unit material without copyright holder permission.

Audio:

- Audio recordings (i.e. music, speeches, etc.) can legally be sampled for non-profit purposes as long as the sample does not exceed 10% of the copyrighted material.

EXAMPLE: An 18-second sample of a 3-minute song would be okay to use in a presentation – a longer sample would be a copyright violation.

- For use of full audio recordings, or longer samples, permission from the artist and/or copyright holder is required.

EXCEPTION: Within social media, audio streamed through a video or audio sharing site, such as YouTube, can be used as long as credit is provided to the author/performer.

Video:

To use video in a presentation, permission from the artist and/or copyright holder is required.

EXCEPTION: Videos posted on YouTube or other video sharing sites may be embedded in a blog or presentation if they are licensed under Creative Commons. This provides a standard way for content creators to grant someone else permission to use their work. YouTube allows users to mark their videos with a Creative Commons CC BY license. These videos are then accessible to YouTube users for

use, even commercially. The act of embedding, which links back to the original source of the video, inherently provides credit to the author(s). You will need to ensure the video has been posted by the creator of the video.

### **C. Obtaining Permission to use Copyrighted Material:**

#### 1. Purchasing Content

Purchasing a license will grant the health unit permission to use an original work in specific ways set out by the license agreement.

- a) Consult the Graphic Designer about purchasing images.
- b) Consult with the Library Technician for purchasing video, audio or text.

#### 2. Public Domain

Images or content licensed under **public domain license CC0 1.0** can be used in health unit resources, presentations, website, and social media without pursuing further permissions, or crediting the author.

#### 3. Requesting to Adapt or Reproduce Material from Copyright Owner:

- a) Program Manager will email the following information to the Library Technician requesting permission to adapt or reproduce the material including the following details:
  - b) Identify what the request is (i.e. use of content/portion of content, adapting content for local use, use of material design and/or use of photo/image).
  - c) Identify the purposes of the permission to use request (i.e. for educational purposes - no commercial use, for print production in whatever forms e.g. brochure, display, ad, etc. and/or for web posting).
  - d) The Library Technician will contact the author/copyright owner and request permission.
  - e) The Library Technician will notify the Program Manager of the results of the request and where the request is approved will forward the owner's copyright permission form to be completed and signed by the manager.
  - f) Program Manager will forward the signed letter of permission or signed agreement to the Library Technician for finalization along with a copy of the original work and the revised work.
  - g) The Library Technician will forward the signed copy of the permission to reproduce or distribute and a copy of the work to the owner and maintain the original copy of the signed document on file in accordance with the record retention schedule.
  - h) The Program Manager will ensure the original source of the material is acknowledged on the reproduced material as per agreement.

#### 4. External Requests to Adapt or Reproduce Original Works Owned by the Health Unit

- a) Requests to adapt or reproduce SMDHU works are documented using PR0102(F1) Permission to Use SMDHU Works and forwarded to the respective Program Manager.
- b) The Program defines the parameters for use and reproduction.
- c) The Program Manager reviews the agreement with the Director as appropriate and forwards to the requestor.
- d) The Program Manager receives the signed agreement and forwards the original along with a copy of the work to the Library Technician
- e) The Library Technician maintains the original permission document in accordance with records retention schedule.

**D. Copyright Policy Administration**

The Library Technician will be responsible for the following:

- a) bringing forward revisions for the policy to the director of Program Foundations and Finance as legal requirements change;
- b) ensuring that a copy of the governing legislation for this policy is available to staff;
- c) answering general questions about copyright law;
- d) seeking advice from licensing agencies when appropriate;
- e) maintaining records of permissions, agreements and licenses, including information concerning copying done for public distribution; and
- f) placing appropriate copyright warning notices on or near copying equipment.

***Related Policies***

PR0106 Social Media

***Related Forms***

PR0102(F1) Permission to Adapt or Reproduce SMDHU Resource(s)

***Final Approval Signature:*** \_\_\_\_\_

Review/Revision History:

Revised May 24, 2017

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## Appendix A - Public Domain Websites

[Pixabay](#)- Free high quality images you can use anywhere

[Public Domain Pictures](#)- a repository for free public domain images

[Public Domain Images](#)- Public domain images, royalty free stock photos, copyright friendly free images. Not copyrighted, no rights reserved. All pictures on this site are explicitly placed in the public domain, free for any personal or commercial use.

[Freeimages](#)- Huge gallery containing over 350.000 quality stock photos by more than 30.000 photographers!

[picjumbo](#)- Totally free photos for your commercial and personal works

[Kaboompics](#)- Free photos for personal and commercial use

[Giphy.com](#) – free gif's (ie. short repeating videos)