

Policy on Copyright and Consent

Supersedes: none

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Effective Date: March 7, 2022

I. Purpose

These guidelines have been issued to provide staff and faculty with a framework which they can use with respect to copyright. The guidelines are not intended to be definitive and in case of uncertainty, please refer to the [Canadian Copyright Act](#) for clarity.

II. Background

Copyright is defined as the right to copy. It is the exclusive right of the creator of the original work, unless that right is waived. Copyright protection is extended automatically to works upon their creation. It is important to note that the work need not state it is copyrighted to be protected.

The following rights are the exclusive rights of the owners of copyright:

- The right to make copies
- The right to assign or license the use of a work
- Distribution rights
- Adaptation rights
- Public performance rights
- Moral rights

The Canadian Copyright Act

On *[Copyright] Infringement generally*

- 27 (1) It is an infringement of copyright for any person to do, without the consent of the owner of the copyright, anything that by this Act only the owner of the copyright has the right to do.

On *Secondary infringement*

- 27 (2) It is an infringement of copyright for any person to:
 - a. sell or rent out,

- b. distribute to such an extent as to affect prejudicially the owner of the copyright,
- c. by way of trade distribute, expose or offer for sale or rental, or exhibit in public,
- d. possess for the purpose of doing anything referred to in paragraphs (a) to (c), or
- e. import into Canada for the purpose of doing anything referred to in paragraphs (a) to (c),
a copy of a work, sound recording or fixation of a performer's performance or of a communication signal that the person knows or should have known infringes copyright or would infringe copyright if it had been made in Canada by the person who made it.

On Fair dealing

- 29 Fair dealing for the purpose of research, private study, education [...] does not infringe copyright.

III. Policies

The Queen's University policy on Fair Dealing applies and governs all OPDES activities. Please see the relevant policies listed in this document for more details.

All work generated by internal personnel will be reviewed for compliance with University policy and Canadian Law.

All work generated by external partners will be reviewed for compliance with the University policy and relevant Canadian law. All those external with the office are required attest to the copyright compliance when materials are developed for the office.

See Also:

- Copyright Act (R.S. 1985, c. C-42)
- BILL C-48: AN ACT TO AMEND THE COPYRIGHT ACT
- Internet Content-Related Liability Study/Industry Canada
- [Queen's University on Fair Dealing](#)



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OPDES would like to acknowledge the CMPA for their information regarding the use of clinical photography and video for educational purposes. Please visit the following link for more information: <https://www.cmpa-acpm.ca/en/advice-publications/browse-articles/2011/using-clinical-photography-and-video-for-educational-purposes>

Revision: April 29, 2021

Approved by Faculty Board Executive: March 7, 2022