

Policy on Copyright

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.

The Canadian Copyright Act

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.

Marginal note: Secondary infringement

(2) It is an infringement of copyright for any person to

[...]

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.

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

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

Works Protected by Copyright

Original works whatever may be the mode or form of their expression including, but not limited to: books, letters (whether business or personal), photographs, portraits, musical works, sound recordings, audio-visual works, computer programs, newspaper,



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magazine, or journal articles. As a general rule, these works are protected during the lifetime of the author, and for 50 years after the author's death.

Internet Implications

1) Using any portion of a web page which is clearly associated with an individual or institution and making this material available on the Internet as part of one's own web page(s), without the express written permission of the author of such material, is a breach of copyright.

2) It is a breach of copyright to alter, in any way, material taken from the Internet, as well as other materials covered by copyright, and to make this material available in altered form on the Internet, without the express written permission of the author.

3) Scanning documents mentioned under Works Protected by Copyright (above), or using materials mentioned under Works Protected by Copyright (above) and including this material in a Personal Web Page which will be made available on the Internet, without the express written permission of the author, is a breach of copyright.

4) E-mail (whether personal or business) is protected by copyright, and subject to the provisions of the Canadian Copyright Act as noted above.

It is up to each individual to ensure that they have a legitimate right to the material they use.

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

CPD 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/duties-and-responsibilities/-/asset_publisher/bFaUiyQG069N/content/using-clinical-photography-and-video-for-educational-purposes

Queen's University on Fair Dealing <http://library.queensu.ca/copyright/fair-dealing-policy>

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