

COPYRIGHT OF EXTERNAL MATERIALS

Section:	Academic / Student (AC)
Subject:	Programs and Curriculum
Legislation:	<i>Copyright Act</i> (R.S.C., 1985, c.C-42)
Effective:	February 24, 2009
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APPROVED: _____
President and CEO

POLICY

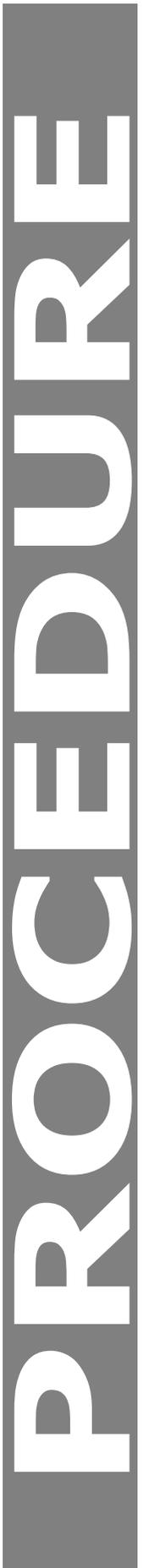
SAIT is committed to complying with Canada’s *Copyright Act* and related international agreements as pertains to the use, reproduction, and distribution of Copyright protected works in the course of teaching, learning, research and administrative activities at SAIT.

PROCEDURE

DEFINITIONS

- Copyright** As defined in the *Copyright Act*, the exclusive right of the copyright owner to reproduce, scan, distribute, perform, publish, adapt, translate and otherwise control a work, or any substantial part thereof.
- Copyrighted works** Any original literary, dramatic, scientific, musical or artistic work, created and fixed in a tangible form. These include, without limitation, both published and unpublished works.
- Digital Rights Management (DRM)** Technologies that a copyright owner uses to protect digital works from unauthorized access and use, and that are often known as “digital locks”. These technologies may include:

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- Devices or components that restrict unauthorized access to or use of a work;
- Encryption to control access and reproduction of online works; and/or
- Information attached to or embedded in a digital work that is used to identify the work, its author or maker and/or any conditions of use of that work.

External materials

Print or digital works owned by an individual or entity other than SAIT.

Fair dealing

A user's right in copyright law that permits the use of, or "dealing" with, a copyright-protected work without permission or payment of copyright royalties for the specified purposes of research, private study, criticism, review, news reporting, education, satire or parody, provided that the use is "fair". Fair dealing is discussed later in this procedure and in Schedule A, an Associated Document to this procedure.

SAIT community

For the purpose of this procedure, the SAIT community includes SAIT's governors, employees, students, contractors, consultants and agents.

GOVERNING PRINCIPLES

1. SAIT is committed to complying with Canada's [Copyright Act](#).
2. This procedure is applicable to the use of external materials by all members of the SAIT community; however, it does not apply to the creation of intellectual property as outlined in policy [AC.2.11 Intellectual Property](#).
3. Individuals subject to this policy will only use external materials protected by copyright when:
 - a) The use is permitted under the *Copyright Act*;
 - i) Regardless of the purpose of the activity, use of any copyrighted work is governed by the *Copyright Act*, which sets out the rights of copyright owners, as well as exceptions to those rights, including Fair Dealing. SAIT's Copyright

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Office is available to assist any member of the SAIT community who wishes to learn more about copyright and exceptions.

- ii) SAIT's guidelines regarding Fair Dealing are outlined in Schedule A, an Associated Document to this procedure.
- b) SAIT has a license which permits access to specific works pursuant to negotiated terms (usually administered by SAIT's Reg Erhardt Library or the Information and Technology Services Department);
- c) Written permission from the copyright holder has been obtained that specifically authorizes use;
 - i) Written permission may be obtained in printed or electronic format or may be defined within the terms and conditions on the materials or originating website.
 - ii) Members of the SAIT community can work with the Copyright Office to obtain appropriate copyright permissions.
 - iii) Members of the SAIT community must adhere to terms and conditions granted by the copyright holder and request additional permissions if use differs from what is allowed in the original agreement.
- d) The work is designated as open access through a creative commons license or other similar notice, as outlined in procedure [AC.2.21.1 Open Educational Resources](#); or
- e) The work is owned by SAIT. Unless otherwise superseded by contracts or other agreements, works created for and during the general course of operations at SAIT can be used for all institutional purposes; the format of these works can be reasonably modified without issue.

PROCEDURE

1. Works copied and/or distributed on campus, sold in the SAIT Bookstore, added to Library collections, or reproduced in the learning management system or other digital repositories must comply with the *Copyright Act*, license agreements, or ad hoc copyright permissions.
2. Members of the SAIT community are permitted to copy and distribute insubstantial portions of copyrighted works, when appropriate, under the terms of the *Copyright Act's* Fair Dealing exception and SAIT's Fair Dealing Guidelines outlined in Schedule A, an

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Associated Document to this procedure, and other specific exemptions within the *Copyright Act*.

3. If external materials are needed and their use falls outside the scope of Fair Dealing or exceptions to the *Copyright Act*, then permission must be obtained from the appropriate distributor, publisher, or copyright holder (often the author or original creator), as follows:
 - a) Check with the Library to see if a licence or copy may be acquired
 - b) Request permission from the copyright holder. It is good practice that permission to use all or part of a copyrighted work:
 - i) Be documented and signed (email is acceptable)
 - ii) Outlines permitted uses, format, and duration
 - iii) That a copy be provided to the Copyright Office
 - c) Members of the SAIT community should work with SAIT's Copyright Office to obtain appropriate copyright permissions, as necessary.
4. SAIT equipment and/or services must not be used for actions that infringe the *Copyright Act*, license agreements, or copyright permissions.
5. The Copyright Office will provide adequate education, training, consultation, and guidelines to enable the SAIT community to effectively use copyrighted material in a compliant manner. Members of the SAIT community are responsible for their own copyright compliance and are expected to familiarize themselves with basic copyright principles found in the *Copyright Act*, and to obtain assistance from the Copyright Office as needed.
6. Members of the SAIT community shall not:
 - a) Authorize another person to commit copyright infringements.
 - b) Download or print for distribution purposes content from the SAIT Library's subscriptions for electronic resources, unless the vendor's licence allows for such use. Please contact the Library for copyright licence information.
 - c) Remove, break, circumvent or bypass any digital rights management system (DRM) unless allowable by the *Copyright Act* or otherwise legally allowed.

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7. Members of the SAIT community shall obtain written permission from a publisher to copy any courseware or supplemental materials to the learning management system or other digital repository, unless permission is already granted in the textbook usage agreement:
 - a) Members of the SAIT community must adhere to guidelines and limitations in usage agreements.
 - b) Unless an agreement exists to the contrary, members of the SAIT community shall remove courseware and/or supplementary materials from the learning management system or other digital repository once a textbook is no longer required for a course or is out of print.
8. SAIT recognizes that current copyright laws do not protect many forms of Indigenous traditional knowledge and cultural heritage, including but not limited to dances, (oral) histories, artwork, designs, and traditions, and runs counter to traditional ideas of custodianship and stewardship. When working with Indigenous peoples or communities or creating teaching and other material using traditional indigenous knowledge, members of the SAIT community are expected to seek local guidance from the relevant Indigenous community.

ASSOCIATED DOCUMENTS

Schedule A [Fair Dealing Guidelines](#)

POLICY/PROCEDURE REFERENCE

AC.2.12 [Copyright of External Materials policy](#)

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