

ADMINISTRATIVE MANUAL

Policy & Guidelines

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PURPOSE

Nova Scotia Health Authority (NSHA) is committed to fostering an environment of evidence-informed decision-making, education, and knowledge creation. Using evidence requires access to and use of, Intellectual Property, created and owned by others. NSHA Team Members create Intellectual Property by producing original content for purposes such as research and education (e.g. published research article, internal organizational presentation, recorded educational video content).

This policy is supplemented by NSHA Library Services' [Copyright Guide](#) which provides Team Members with definitions around Copyright, plus clear instructions and support regarding sharing, using, and/or creating Intellectual Property.

GUIDING PRINCIPLES AND VALUES

1. [NSHA Values](#) include accountability, respect, integrity and innovation. By understanding Copyright and demonstrating fair use of Intellectual Property, Team Members demonstrate these values.
2. As users of information, Team Members fully grasp the need to maintain the integrity of Copyrighted material. This includes showing respect for the rights of Copyright holders and the Moral Rights of content creators through the acquisition of relevant License Agreements and/or Permissions to reproduce content, and through the clear and consistent use of Citation styles (e.g. American Medical Association, American Psychological Association, etc.).
3. Appropriately citing sources and linking to content instead of reproducing it without Copyright Permission demonstrates respect for the Intellectual Property creator's ownership of the content.

POLICY STATEMENTS

1. All NSHA Team Members must observe and comply with current [Canadian Copyright Legislation](#) regarding the use and/or reuse of Intellectual Property to inform decision-making, create new knowledge, and/or enhance education.
 - 1.1. Team Members are responsible to educate themselves on compliance with Copyright.
2. Only Copyright owners have sole and exclusive rights to production or Reproduction of work or substantial parts of it in any form.
3. NSHA owns Copyright of Intellectual Property created as part of the work performed for the organization within the scope of a Team Member's role.
4. External publishing companies own the Copyright to Intellectual Property licensed through subscriptions.
 - 4.1. Guidelines for sharing or reusing Intellectual Property licensed through subscriptions may be more specifically outlined in the organization's contract with the publisher, usually held by NSHA Library Services.
5. Team Members are responsible for tracking Copyright Permissions and properly citing sources when using Intellectual Property to create content, including in-house publications.
6. Permission must be obtained to reproduce all or part of an existing work, normally with attribution of the source through Citation (after Permission is obtained). Failure to obtain Permission to share or re-use Copyrighted content could result in legal action against the individual or employing organization.

- 6.1. As an Educational Institution, Team Members have increased flexibility with the use of some Intellectual Property (for example, in the context of Interlibrary Loan), however, use must be in keeping with Fair Dealing.

GUIDELINES

1. Copyright protection is automatic under [Canadian Copyright Legislation](#). Use of the Copyright symbol (©) is not required for a work to be protected by Copyright.
2. In the absence of any agreement to the contrary, the employer is recognized as the Copyright owner for works created as part of normal duties during the course of employment. Team Members may seek an agreement in regards to the ownership of specific works, outlining how specific works are outside of/unrelated to normal duties.
3. NSHA Library Services' [Copyright Guide](#) provides Team Members with answers to frequently asked questions around sharing, using and/or creating Intellectual Property. If questions around Copyright Permissions arise, Team Members should consult their managers or director, and NSHA Library Services as applicable/necessary.

REFERENCES

Legislative Act

Government of Canada. Justice Laws Website (2018). Copyright Act (R.S.C., 1985, c. C-42). Retrieved from Justice Laws Website: <http://laws-lois.justice.gc.ca/eng/acts/C-42/>

References

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- Dalhousie University. (n.d.). *Retaining your copyright*. Retrieved from <https://libraries.dal.ca/services/copyright-office/for-faculty/retaining-copyright.html>
- Government of Canada (2016). *A guide to copyright – copyright defined*. Retrieved from https://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02281.html
- Guay, F. (2011). *Who owns copyright: employee or employer?* Intellectual Property Magazine. Retrieved from http://smart-biggart-web.com.sitepreview.ca/en/newsletters/Intellectual_Property_Magazine_Dec2010.pdf
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- Raysman, R., Pisacreta, E. A., Adler, K. A., & Ostrow, S. H. (2011). *Intellectual property licensing: forms and analysis*. Law Journal Press.
- Rose, K. (2014). *When does an employer own copyright in a photograph made by an employee?* [blog post] SnIP/ITs: Insights on Canadian Technology and Intellectual Property Law. Retrieved from <https://www.canadiantechlawblog.com/2014/09/02/when-does-an-employer-own-copyright-in-a-photograph-made-by-an-employee>

Stanford University Libraries. (2018). *Permission: What is it and why do I need it?* Retrieved from <https://fairuse.stanford.edu/overview/introduction/permission>

University of British Columbia. (n.d.). *What is fair dealing and how does it relate to copyright?* Retrieved from <https://copyright.ubc.ca/guidelines-and-resources/faq/basics>

University of Waterloo. (n.d.). *Copyright Guidelines: What are moral rights and what do they have to do with copyright?* Retrieved from <https://uwaterloo.ca/copyright-guidelines/faq-1-12>

World Intellectual Property Organization. (n.d.) *What is intellectual property?* Retrieved from http://www.wipo.int/edocs/pubdocs/en/intproperty/450/wipo_pub_450.pdf

RELATED DOCUMENTS

[NSHA Library Services Copyright Guide](#)

Appendices

[Appendix A - Definitions](#)

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Appendix A – Definitions

Citation	Giving credit to the original author or source of the information through formal Citation style (e.g. American Medical Association, American Psychological Association, etc.).
Copyright / Canadian Copyright Law	Copyright is the sole right to produce or reproduce a work or a substantial part of it in any form, as outlined by the Canadian Government. It includes the right to perform the work or any substantial part of it or, in the case of a lecture, to deliver it. If the work is unpublished, Copyright includes the right to publish the work or any substantial part of it (Government of Canada , 2016).
Educational Institution	As per parts B and C of Copyright Act section 29.4 , NSHA is a non-profit body as well as an organization associated with the provincial government of Nova Scotia, providing continuing professional education to health care professionals. As such, content use within NSHA may be deemed “educational.” That being said, using content for educational purposes does not automatically imply Fair Dealing. When in doubt, Permission from the Copyright holder is to be obtained and saved. If the content is a library-licensed electronic resource, the permissibility of a particular form of use is determined by the terms of the license.
Fair Dealing	Copying of content that is (1) for research, private study, education, parody, satire, criticism, review or news reporting and (2) “fair”. Neither the Copyright Act, nor the decisions of the courts interpreting Fair Dealing set out exactly what is “fair” in any particular instance at this time (University of British Columbia , n.d). Ultimately, “fairness” will depend on the circumstance. In their 2018 position statement on Fair Dealing , the Canadian Federation of Library Associations (CFLA-FCAB) recommended that Sections 29, 29.1 and 29.2 of the Copyright Act remain “unchanged to retain current allowable uses.”
Intellectual Property (IP)	According to the World Intellectual Property Organization (n.d.), Intellectual Property is a creation of the mind. IP includes content (insights, understandings, evidence and/or know how) delivered through various mediums including (but not limited to): clinical and research databases, electronic and print journals, electronic and print books, pamphlets, reports, standards, videos (Dalkir, K. 2011). There are three main categories of Intellectual Property relevant to this policy: <ol style="list-style-type: none">Subscription – content is property of Copyright holder and access is purchased by various entities within the organization

under specific licensing agreements that outline acceptable use per resource.

- b. Free – content is openly available, often online, and may be accessed without a cost or subscription. Freely-accessible Knowledge Resources continue to be subject to Copyright legislation and generally have outlined terms of use that may limit re-sharing or use of content found within them.
- c. In-house - content created within the organization (e.g. reports, policy documents, educational presentations), often primarily for local use. Copyright of in-house publications belongs to the employer under current Copyright legislation.

Interlibrary Loan

Process through which an individual Staff member may request access to original or reproduced content from libraries outside of the organization. This includes document delivery, which is the supply of journal articles not held by current library subscriptions. Acquisition of content by NSHA library on behalf of Staff is done for individual research, education and/or private study. As such, content acquired by Interlibrary Loan is not licensed for further Reproduction.

License Agreement

Official, documented authorization to use and/or reproduce content granted by content Copyright owner. License Agreements for content are often established for a defined period of time and generally outline any parameters or limitations regarding content Reproduction (Raysman et al, 2011).

Moral Rights

Rights of the content creator, which include claim of authorship, anonymity, integrity (prevent distortion, modification or mutilation of work), and association (control of activities associated with work). Even if a creator has assigned Copyright to another entity, the creator would continue to maintain the Moral Rights to the work. These rights are important for authors to ensure they get appropriate recognition for their works and for prohibiting any prejudicial changes to their works. In Canada, Moral Rights are granted to all types of Copyrighted work. ([Dalhousie University](#), n.d., [University of Waterloo](#), n.d. & [Harris, L.E.](#), 2017).

Permission

The “process of getting consent from a Copyright owner to use the owner’s creative material.” ([Stanford University Libraries](#), 2018). Permission and allowable use could be covered in a licensing agreement such as a Creative Commons license.

Reproduction

Creating copies of content. This may take the form of sharing content through attaching files to an email, uploading content to internal systems (e.g. published research article to a learning

management system, or shared network drive), or making copies, e.g. photocopies.

**NSHA Team
Member**

Unless specifically limited by a certain policy, refers to all Employees, physicians, learners, volunteers, board members, contractors, contract workers, franchise employees, and those with affiliated appointments and other individuals performing activities within NSHA.

District Health Authority Policies Being Replaced

CBDHA A-2-173 Health Sciences Library – Copyright

Colchester East Hants Health Authority 113.002 – Document Protection/Copyrights

SWH 302.0 – Copyrights

Version History

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