Library Rights – Langara Copyright

Consult this directive in conjunction with Langara’s Library Copyright Policy (E4003)

Reproducing Materials in the Library's Collection

Much of the material in the Library’s collection is subject to copyright and there may be restrictions on the reproduction of those materials. Further, some library materials, for example eBooks, online databases or other electronic resources, may be subject to the provisions of specific licenses or other contractual obligations that limit or permit the ability to reproduce their content. As well, sections 41 and 41.1 of the Copyright Act specifically prohibit the circumvention of a technological protection measure applied to digital copyrighted materials with certain exceptions.

However, in the absence of such limitations or prohibitions, materials in the library’s collection may be reproduced:

- By library employees and users in accordance with the fair dealing provisions under sections 29, 29.1 and 29.2 of the Copyright Act for the purpose of: research, private study, education, parody or satire, criticism, review, or news reporting.
- By library employees and users where the material is in the public domain, such as when the term of the copyright protection under the Copyright Act has expired (usually the life of the author plus 50 years).
- By library employees and users where only an “insubstantial” part of the material is reproduced, as under section 3(1) of the Copyright Act, “copyright” means the sole right to reproduce any substantial part of a work. In determining whether the portion of the material being reproduced is “substantial” or “insubstantial,” both the quantity, i.e. the amount copied, and the value, i.e. the importance of that portion to the entire work, should be considered.
- By library employees to perform the following maintenance or management activities in accordance with section 30.1 of the Copyright Act: (1) copying rare or unpublished originals, (2) copying fragile originals, (3) copying into an alternative format, (4) copying for record keeping and cataloguing, (5) copying for insurance and police investigations and (6) copying for restoration. Making a copy for activities (1), (2) and (3) is not permitted if the work is “commercially available.”
- By a person with a perceptual disability or by library employees at that person's request, in accordance with section 32(1)(a) of the Copyright Act, where the materials are literary, musical, artistic or dramatic works, other than a cinematographic work, and where the copy or sound recording of these works are in a format specially designed for persons with a perceptual disability. This only applies where the work is not “commercially available” in a format designed to meet the needs of a person with a perceptual disability and does not authorize the making of a large print book.

Section 41.16 of the Copyright Act provides that the prohibition against the circumvention of a technological prevention measure in section 41.1(1)(a) of the Copyright Act does not apply to persons with a perceptual disability or another person acting at their request if that circumvention is for the sole purpose of making a work or a sound recording perceptible to a person with a perceptual disability and provided the circumvention does not unduly impair the technological prevention measure.
- By library employees and users to the extent that is permitted under licenses provided by vendors of the materials (usually publishers) or under a license that the library has negotiated with a collective society or a relevant tariff that has been determined by the Copyright Board of Canada. Such licenses, when they apply, will ideally allow more extensive copying than can be carried out under fair dealing or other Copyright Act exceptions.

- By library employees and users where the material, although under copyright, can be copied because the creator or other copyright holder has given a general permission to do so, most often for non-commercial purposes and an expectation of the original work being attributed to its creator. Such materials are those that appear in “open access” publications or online repositories, those that are under a “Creative Commons” license, or those governed by a special policy of their publisher, such as the Government of Canada’s general permission to copy federal government documents for noncommercial purposes.

Copying for Library Users

- Library employees making copies for users are required to follow the library’s Reproduction Policy as outlined below. Notices shall be posted on self-service photocopiers made available for library users as outlined below. Responsibility for copyright arising in connection with the use of any copy made of materials in the library’s collection is the responsibility of the user requesting or making the copy.

Fair Dealing

- Under the fair dealing provisions of sections 29, 29.1 and 29.2 of the Copyright Act, copying for the purposes of research, private study, education, parody, satire, criticism, review or news reporting does not infringe copyright. These provisions are technologically neutral. The Supreme Court of Canada in the case of CCH Canadian Ltd. v. Law Society of Upper Canada, 2004 SCC 13 has given “research” a large and liberal interpretation to ensure that users’ rights are not unduly constrained. “Research” includes commercial, non-commercial and private research. The Supreme Court found that fair dealing is a matter of “impression.” The application of fair dealing is therefore not clearly defined.

See also Six factors in Fair Dealing (Fair Dealing Directive for policy B1013)

Reproduction Policy

- The materials in the Langara College Library’s collection are open to our users. Single copies of library materials that are in the public domain or are required for the purposes of research, private study, education, parody, satire, criticism, review or news reporting may be provided to our users either from our own collection or, as required, via interlibrary loan from the collections of other libraries.

- Reproducing portions of materials in the Library’s collection on behalf of our users in accordance with this policy supports their access to published materials while respecting the rights of copyright holders in such materials, in keeping with the fair dealing provisions in section 29, 29.1 and 29.2 of the Copyright Act.

Guidelines to Access
• The library will provide single copies for specific purposes, identified in advance to library employees.

• The specific purposes are research, private study, education, parody, satire, criticism, review or news reporting. Any doubt concerning the legitimacy of the request for these purposes will be referred to the Copyright Officer.

• The individual must identify him/herself and the purpose at the time of making the request. A request form will be completed by library employees, based on information provided by the requesting party.

• Discretion must be used as to the amount of copying. No copies will be made for any purpose other than that specifically set out on the request form. Ordinarily, requests for a copy of one article or one book chapter will considered routine. Requests for substantial copying from library materials will be referred to the Copyright Officer for consideration in accordance with the six fair dealing factors outlined above and may ultimately be refused.

• This service is provided on a not-for-profit basis. The fee charged for this service is intended to cover the costs of the library.

Self-Service Photocopier Notice Signs

• “The copyright law of Canada governs the making of photocopies or other reproductions of copyright material. Certain copying may be an infringement of the copyright law. This library is not responsible for infringing copies made by the users of these machines.”

Media Format Changes

• The Media Librarian negotiates relevant license agreements for digital media, and maintains and manages these agreements. Format changes due to obsolescence must be managed by the Media Librarian, in coordination with Instructional Media Services.