1. DEFINITIONS

“Copyright Act” and “Act” mean the Copyright Act, R.S.C. 1985, c. C-42 as amended from time to time;

“External Non-UVic borrower” has the same meaning as it has in the University of Victoria Libraries, McPherson Library Loan Policy (Policy 2550, section 2.1.2);

“Fair Dealing” means a fair dealing with any material protected by copyright in Canada for the purposes of private study, research, criticism, review or news reporting as permitted by the Copyright Act which is not an infringement of copyright and does not require the permission of the copyright owner or the payment of royalties;

“Home Use Only” means a license agreement authorized by the copyright owner whereby Video Material may be used only for private home use and cannot be otherwise viewed on campus or in any public venue, including classrooms, residence common rooms or screening rooms;

“Internal UVic Borrower” has the same meaning as it has in the University of Victoria Libraries, McPherson Library Loan Policy (Policy 2550, section 2.1.1);

“Media Services” is a service of the University of Victoria Libraries;

“Canadian Public Performance Rights” means a license agreement authorized by the copyright owner or its distributor in Canada whereby the University of Victoria may legally exhibit rented, purchased, or borrowed Video Material on campus and includes rights for single showings, limited term licenses, permanent licenses or annual distributor licenses;

“Video Material” includes videotapes, 16mm films, DVD’s or any other analogous material of a cinematographic nature.

PART I – POLICY

2. POLICY OBJECTIVE

The objective of this Policy on Copyright and the Use of Video Materials is to provide policy information and procedures to ensure appropriate and legal use is
made of Video Materials by the University’s Departments or Schools, Media Services, faculty members, staff and students.

3. **POLICY STATEMENT**

The use of Video Materials in University classrooms and on campus is subject to the Copyright Act. “Fair Dealing” is a concept under the Copyright Act, but it is not clearly defined in the Act, and while “fair dealing” exists as a premise, there is considerable disagreement over what it includes. Media Services, Departments or Schools, faculty, staff and students should use Video Materials in accordance with the Act, license agreements and the procedures as outlined in this policy. Where the interpretation of the Act is doubtful, the Office of the University Secretary should be consulted.

4. **ACCOUNTABILITY**

4.1 Media Services are responsible for:

4.1.1 acquiring Video Material to support the curriculum and other academic interests of the University;

4.1.2 selecting Video Materials in consultation with Departmental representatives, faculty and subject librarians;

4.1.3 cataloguing all Video Materials held by Media Services;

4.1.4 booking and circulating Media Services' Video Materials or determining items for use in Library only;

4.1.5 obtaining Video Material for use by the University through rental and loan agreements, and providing for its security, use and return;

4.1.6 participating in the Media Exchange Co-operative (MEC), the voluntary consortium of media libraries serving post-secondary education in B.C., on behalf of the University of Victoria;

4.1.7 adhering to the various license agreements and their requirements, including all reporting requirements for Video Material acquired and held by Media Services;

4.1.8 advising on or verifying rights information for Departments or Schools or the University;

4.1.9 acting with due diligence and within resources available when verifying rights.

4.2 Departments and Schools are responsible for:

4.2.1 adhering to the various license agreements and their requirements, including all reporting requirements, for any Video
Material which they acquire, hold and use in the classroom or on campus;

4.2.2 keeping records required by regulation pursuant to the Copyright Act for any tapes of news programs shown in the Department or School;

4.2.3 requesting and obtaining appropriate permissions for use of Video Materials rented or received from other institutions or government agencies when the Video Material is used in classrooms or on campus;

4.2.4 using the cost sharing arrangement with the UVic Libraries for the purchase of Video Materials;

4.2.5 paying Media Services the cost of booking items from other institutions or commercial outlets when charged by Media Services.

4.3 Individual faculty members and staff of the University of Victoria are responsible for acquiring, holding and using Video Materials in a manner that adheres to the Copyright Act, various license agreements and the procedures as outlined in this policy.

4.4 Students of the University of Victoria are responsible for using Video Material in a manner that adheres to the Copyright Act, various license agreements and the procedures outlined in this policy.

4.5 The University Secretary's Office is responsible for providing clarification of this policy and copyright obligations in general.

PART II: PROCEDURES

5. VIDEO MATERIALS COLLECTING

5.1 The following principles will be applied to the collection of Video Material for Media Services:

5.1.1 Video Materials will be selected and purchased on the basis of the following criteria:

- academic curriculum relevancy;
- educational use, both classroom and individual;
- department(s) interest;
- long term need;
- high rental cost in relation to purchase price;
- high standards of technical and intellectual quality;
- positive reviews in major journals;
- availability of Canadian Public Performance Rights.
5.1.2 Departments may initiate, through Media Services, the acquisition of specific titles to support teaching activities.

5.1.3 Media Services may initiate the acquisition of materials that will meet broader needs of the University.

5.1.4 Media Services may establish a cost-sharing policy to facilitate the acquisition of video material by Departments or Schools and may establish guidelines, limits, and procedures for this policy.

5.2 Departments or Schools may acquire and hold video material independently of Media Services. At the request of a Department or School or UVic Purchasing, Media Services will verify whether there are Canadian Public Performance Rights for the video material being purchased. Media Services will obtain Canadian Public Performance Rights clearance on items for use on campus, where practicable, and advise on the limits of those rights.

6. COPYRIGHT AND THE USE OF VIDEO MATERIAL

6.1 In compliance with the Copyright Act, Media Services will:

6.1.1 make available materials with Canadian Public Performance Rights for previewing, booking, and classroom use;

6.1.2 take reasonable steps to provide Home Use Only materials which are owned or booked by Media Services and not covered by site licenses or permissions, are for use only in private residential quarters.

6.1.3 at the request of the Department or School or UVic Purchasing, review video material to be acquired and held by Departments or Schools and advise on the limits on use of the video material.

6.2 In compliance with the Copyright Act, Departments or Schools doing off-air taping may tape a single copy of a news program or a news commentary program, excluding documentaries, at the time of its communication to the public by telecommunication, for the purposes of showing the copy for the students of the University of Victoria, provided the Faculty member and/or student will:

6.2.1 show to an audience consisting primarily of students of the University of Victoria; and

6.2.2 destroy the copy within one year of its taping.

6.3 Where a copy of a news program is made in accordance with section 2.2 above, the Department or School in which the copy is used must mark the copy and keep records as required by regulation pursuant to the Copyright Act.
6.4 A Department or School that holds Video Material independently of Media Services shall appoint a person in the Department or School to co-ordinate its procedures for holding and use of Video Material, maintain records and make reports as required by license agreements or by the Copyright Act. Departments and Schools may establish their own borrowing procedures.

6.5 Video Material supplied to the University upon a contractual condition or other undertaking, shall be used only within the premises owned, controlled, or occupied by the University of Victoria. Video Materials must not be released to other institutions or external borrowers without the permission of the copyright owner.

6.6 The University of Victoria will not acquire Video Material if a transfer of formats is required (i.e. Pal format to NTSC format) unless prior copyright clearance has been obtained.

6.7 The University of Victoria will not acquire any Video Material for classroom use unless it carries Canadian Public Performance Rights or constitutes a newscast recorded under section 2.2 of these procedures.

7. MEDIA SERVICES BORROWING

7.1 Internal UVic Borrowers may borrow and screen Video Materials in accordance with procedures established by Media Services.

7.2 Due to licensing arrangements, External Non-UVic Borrowers cannot borrow or preview Video Materials held by the University, with the exception of Video Materials created for University of Victoria public lectures where the lecturer has consented to the videotaping for public use.

7.3 Other post-secondary institutions may use Video Materials held by Media Services, providing rights permit this use, at the discretion of the Librarian responsible for Media services.