Permissions Granted by the College Premium Licence

Who can copy under the premium licence?

Students, library users, faculty and staff members of College of the Rockies may copy portions of published works in Access Copyright's repertoire. College of the Rockies may also authorize external copy shops to make copies under the licence.

What uses of copies are authorized by the premium licence?

Under the premium licence, users may:

- photocopy, fax, scan and print
- store copies, such as on a hard drive, USB stick or on a secure network
- transmit by email, upload or post copies on a secure network including course management systems
- project and display copies, such as on overheads, on LCD or plasma monitors, or interactive whiteboards
- make copies for the purposes of interlibrary loan, creating alternate format copies and managing library collections
- create paper and digital course packs (called "course collections" under the premium licence)

What copying of works is authorized by the premium licence?

Access Copyright’s repertoire is made up of print and born-digital published works. The premium licence permits use of published works subject to the following exceptions:

- works in Access Copyright’s repertoire that are not licensed for print or digital use
- works published in a country that does not have a reciprocal agreement with Access Copyright
- works with a notice indicating that the work cannot be copied under a collective licence
- business cases that are available for purchase
- musical works which are not considered ‘published works’ under the licence

Permitted uses include copying, printing, posting, scanning, storing, faxing or emailing. Access Copyright’s provides a Titles Search and Permissions Tool as a means to check whether a work is in Access Copyright’s repertoire.
Is the copying of consumables, workbooks, study and teachers’ guides, manuals, photographs and similar materials permitted under the premium licence?

Yes. If these materials are in Access Copyright’s repertoire, then they can be copied under the premium licence.

Can musical works be copied under the premium licence?

No. Musical works are not considered a Published Work under the premium licence. Where necessary, permission to copy musical works can be obtained directly from the copyright owner or a representative of the owner of the copyright in the musical work.

Are hyperlinks considered copies?

No. The premium licence does not define links or hyperlinks as copies. The definition states that "copy" means any reproduction, including a digital copy, which is made by or as a consequence of posting a link or hyperlink. Only a "reproduction" made as a "consequence" of posting a link or hyperlink to a digital copy falls under the definition of "copy". The hyperlink itself is not a "copy", nor is the act of distributing or posting a link itself a "copy." It is only the act of downloading the information at the other end of a hyperlink that makes a copy. Schedule A of the premium licence expressly states that the definition of "copy" is not an admission that linking or hyperlinking constitutes copying. Linking and hyperlinking does not make a copy and has no copyright value.

Does the premium licence permit copying and storage of published works on personal electronic devices?

Yes. The premium licence permits authorized persons (staff, students and library patrons to copy and store published works on personal electronic devices such as a USB drive, personal computer or smartphone. However, the premium licence prohibits transmitting, posting, uploading or storing a copy of a published work on a computer network that is not password protected or otherwise secured. Learning management systems (LMS) or e-reserve systems are general examples of secure networks.

Can faculty and students compile material for their own research purposes?

Yes. However, the premium licence prohibits the storing or indexing of copies of repertoire works with the intention or result of creating a library of published works, except as part of a course collection.
How much can be copied under the premium licence?

There is no limit on the number of copies that can be made under the premium licence for any purpose, including course collections, as long as the following limits are not exceeded:

(i) copying up to twenty per cent (20%) of a repertoire work; and
(ii) copying a repertoire work that is:
   1. an entire page or article from a newspaper, magazine or journal,
   2. a single short story, play, poem, essay or article from a published work that contains other published works,
   3. an entire entry or article from a reference work that is a repertoire work,
   4. an entire reproduction of an artistic work (including any drawing, painting, print, photograph or other reproduction of a work of sculpture, architectural work or work of artistic craftsmanship) from a repertoire work that contains other published works,
   5. an entire chapter from a book that is a repertoire work, provided that it is no more than twenty-five percent (25%) of that repertoire work

Can copying be done that exceeds the limits set out in the premium licence?

Yes, although additional payment is required. See Sue Morin in the Library smorin@cotr.bc.ca to arrange a transactional licence through Access Copyright. They have set the following transactional (per use) rates:

- If a book is in-print, the cost to copy more than 20%, up to 25%, is $0.12 per page per copy. If you require more than 25%, permission must be requested from the rights holder of the work.
- If a book is out-of-print, if you copy more than 100 pages, a fee of $12 per copy made is charged.