

# Exception for Educational Institutions, Libraries, Archives and Museums Regulations\*

## Copyright Act

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His Excellency the Governor General in Council, on the recommendation of the Minister of Industry, pursuant to subsections 30.2(6)<sup>a</sup>, 30.21(4)<sup>a</sup> and (6)<sup>a</sup> and 30.3(5)<sup>a</sup> of the *Copyright Act*, hereby makes the annexed *Exceptions for Educational Institutions, Libraries, Archives and Museums Regulations*.

### EXCEPTIONS FOR EDUCATIONAL INSTITUTIONS, LIBRARIES, ARCHIVES AND MUSEUMS REGULATIONS

#### Interpretation

- 1.—(1) In these Regulations, “Act” means the *Copyright Act*.
- (2) In these Regulations, a reference to a copy of a work is a reference to a copy of all or any substantial part of a work.

#### Newspaper or Periodical

2. For the purpose of subsection 30.2(6) of the Act, “newspaper or periodical” means a newspaper or a periodical, other than a scholarly, scientific or technical periodical, that was published more than one year before the copy is made.

#### Records Kept under Section 30.2 of the Act

3. In respect of activities undertaken by a library, an archive or a museum under subsection 30.2(1) of the Act, section 4 applies only to the reproduction of works.
- 4.—(1) Subject to subsection (2), a library, an archive or a museum, or a person acting under the authority of one, shall record the following information with respect to a copy of a work that is made under section 30.2 of the Act:

- (a) the name of the library, archive or museum making the copy;

(b) if the request for a copy is made by a library, archive or museum on behalf of a person who is a patron of the library, archive or museum, the name of the library, archive or museum making the request;

(c) the date of the request; and

(d) information that is sufficient to identify the work, such as

(i) the title,

(ii) the International Standard Book Number,

(iii) the International Standard Serial Number,

(iv) the name of the newspaper, the periodical or the scholarly, scientific or technical periodical in which the work is found, if the work was published in a newspaper, a periodical or a scholarly, scientific or technical periodical,

(v) the date or volume and number of the newspaper or periodical, if the work was published in a newspaper or periodical,

(vi) the date or volume and number of the scholarly, scientific or technical periodical, if the work was published in a scholarly, scientific or technical periodical, and

(vii) the numbers of the copied pages.

(2) A library, an archive or a museum, or a person acting under the authority of one, does not have to record the information referred to in subsection (1) if the copy of the work is made under subsection 30.2(1) of the Act after December 31, 2003.

(3) A library, an archive or a museum, or a person acting under the authority of one, shall keep the information referred to in subsection (1)

(a) by retaining the copy request form; or

(b) in any other manner that is capable of reproducing the information in intelligible written form within a reasonable time.

(4) A library, an archive or a museum, or a person acting under the authority of one, shall keep the information referred to in subsection (1) with respect to copies made of a work for at least three years.

(5) A library, an archive or a museum, or a person acting under the authority of one, shall make the information referred to in subsection (1), with respect to copies made of a work, available once a year to one of the following persons, on request made by the person in accordance with subsection (7):

(a) the owner of copyright in the work;

(b) the representative of the owner of copyright in the work; or

(c) a collective society that is authorized by the owner of copyright in the work to grant licences on their behalf.

(6) A library, an archive or a museum, or a person acting under the authority of one, shall make the information referred to in subsection (1) available to the person making the request, within 28 days after the receipt of the request or any longer period that may be agreed to by both of them.

(7) A request referred to in subsection (5) must be made in writing, indicate the name of the author of the work and the title of the work, and be signed by the person making the

request and include a statement by that person indicating that the request is made under paragraph (5)(a), (b) or (c).

### **Records Kept under Subsection 30.21(6) of the Act**

**5.—(1)** An archive, or a person acting under the authority of one, shall record the following information with respect to a copy of a work that is made under subsection 30.21(5) of the Act:

(a) the name of the archive making the copy;

(b) the name of the person requesting the copy or, if the request for a copy is made by another archive on behalf of a person who is a patron of the other archive, the name of the patron and the archive making the request;

(c) the date of the request; and

(d) information that is sufficient to identify the work copied.

**(2)** An archive, or a person acting under the authority of one, shall keep the information referred to in subsection (1)

(a) in a record maintained by the archive of the names of all individuals who have had access to the work in question;

(b) by retaining the copy request form; or

(c) in any other manner that is capable of reproducing the information in intelligible written form within a reasonable time.

**(3)** An archive, or a person acting under the authority of one, shall keep the information referred to in subsection (1) with respect to copies made of a work for at least three years.

**(4)** An archive, or a person acting under the authority of one, shall make the information referred to in subsection (1), with respect to copies made of a work, available, on request in writing, to

(a) the author of the work;

(b) the owner of copyright in the work; or

(c) the representative of the author or owner of copyright.

**(5)** An archive, or a person acting under the authority of one, shall inform a person requesting a copy of a work under subsection 30.21(5) of the Act, in writing, at the time of the request, or if the person has registered as a patron of the archive, at the time of registration, of the fact that the archive will make the information referred to in subsection (1) available, on request, to the persons referred to in paragraphs (4)(a) to (c).

### **Patrons of Archives**

**6.—(1)** If a person requests a copy of a work from an archive under section 30.21 of the Act and the person has registered as a patron of the archive, the archive shall inform the patron in writing at the time of registration

(a) that any copy is to be used solely for the purpose of research or private study; and

(b) that any use of a copy for a purpose other than research or private study may require the authorization of the copyright owner of the work in question.

(2) If a person requests a copy of a work from an archive under section 30.21 of the Act and the person has not registered as a patron of the archive, the archive shall inform the person in writing at the time of the request

(a) that any copy is to be used solely for the purpose of research or private study; and

(b) that any use of a copy for a purpose other than research or private study may require the authorization of the copyright owner of the work in question.

### **Stamping of Copied Works**

7. A library, archive or museum, or a person acting under the authority of one, that makes a copy of a work under section 30.2 or 30.21 of the Act shall inform the person requesting the copy, by means of text printed on the copy or a stamp applied to the copy, if the copy is in printed format, or by other appropriate means, if the copy is made in another format,

(a) that the copy is to be used solely for the purpose of research or private study; and

(b) that any use of the copy for a purpose other than research or private study may require the authorization of the copyright owner of the work in question.

### **Notice**

8. An educational institution, a library, an archive or a museum in respect of which subsection 30.3(2), (3) or (4) of the Act applies shall ensure that a notice that contains at least the following information is affixed to, or within the immediate vicinity of, every photocopier in a place and manner that is readily visible and legible to persons using the photocopier:

#### **“WARNING!**

Works protected by copyright may be copied on this photocopier only if authorized by

(a) the *Copyright Act* for the purpose of fair dealing or under specific exceptions set out in that Act;

(b) the copyright owner; or

(c) a licence agreement between this institution and a collective society or a tariff, if any.

*For details of authorized copying, please consult the licence agreement or the applicable tariff, if any, and other relevant information available from a staff member.*

*The Copyright Act provides for civil and criminal remedies for infringement of copyright.”*

### **Coming into Force**

9. These Regulations come into force on September 1, 1999.

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\* Source: <http://laws.justice.gc.ca/en/C-42/SOR-99-325/77701.html>  
Regulation current to February 21, 2006

