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Clinical Operations Executive Committee

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System Innovations & Programs/Legal & Privacy

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Not applicable

PARENT DOCUMENT TITLE, TYPE AND NUMBER

Intellectual Property Policy (#1137)

SCHEDULED REVIEW DATE

December 18, 2022

NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

If you have any questions or comments regarding the information in this document, please contact the Policy & Forms Department at policy@ahs.ca. The Policy & Forms website is the official source of current approved policies, procedures, directives, standards, protocols and guidelines.

OBJECTIVES

- To set out the processes for the creation and sharing of Alberta Health Services (AHS) **copyright** protected materials.
- To set out the processes for using **third party** copyright protected materials within AHS materials.

PRINCIPLES

AHS representatives are required to ensure that their work complies with applicable copyright law and AHS policies. Awareness of and attention to copyright best practices and guidance is critical to AHS success and its commitment to broadly share knowledge and expertise.

The AHS Knowledge Management department provides consultation and support on complex copyright issues to AHS representatives. Copyright matters that require legal advice are referred to AHS Legal & Privacy.

APPLICABILITY

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, Students, Volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

ELEMENTS

1. Creating AHS Copyrighted Materials

- 1.1 Any original work, including AHS created content, is automatically protected by copyright upon creation.

- 1.2 All AHS-owned copyright material permitted to be used by a third party shall include a copyright notice, **licence** and legal disclaimer. Knowledge Management shall be consulted for exceptions. See Section 2 for further information.
- 1.3 When AHS copyright material includes material from an external third party that is permitted to be reproduced or adapted, AHS representatives shall comply with any applicable terms and conditions. See Section 4 for further details.

2. Sharing AHS Copyrighted Materials with Creative Commons Licences

- 2.1 **Creative Commons licences** provide a standardized way for content creators to grant copyright permission. The Creative Commons licence will require third parties to credit AHS and abide by licence terms.
- 2.2 AHS representatives shall consider using a Creative Commons licence that permits third parties to use or adapt AHS copyrighted material, providing the content is in compliance with the disclosure of protectable **intellectual property** (IP) and other IP requirements set out in the AHS *Intellectual Property* Policy and associated procedures.
- 2.3 AHS representatives shall use one of the following Creative Commons licences:

a)  Attribution-NonCommercial-NoDerivs (CC BY-NC-ND)

b)  Attribution-NonCommercial-ShareAlike (CC BY-NC-SA)

3. Sharing AHS Copyrighted Materials with a Permission to Use Copyright Agreement

- 3.1 A *Permission to Use Copyright Agreement* is required when:
 - a) a Creative Commons licence is not present on the AHS copyright protected material; or
 - b) the requestor wants to use AHS copyright protected material outside of the licence terms.
- 3.2 AHS may grant written permission to a third party to reproduce or adapt AHS copyrighted material by completing and executing a *Permission to Use Copyright Agreement* with an external third party prior to sharing copyrighted materials.
- 3.3 The *Permission to Use Copyright Agreement* shall be signed by an approver that has sufficient and appropriate authority to approve commitments in accordance with the *Delegation of Approval Authority* Policy.

- 3.4 AHS representatives should consult with Knowledge Management for complex copyright permission requests. Knowledge Management shall refer legal issues to Legal & Privacy.
- 3.5 Any changes to the *Permission to Use Copyright Agreement* template require the prior approval of AHS Legal & Privacy.
- 3.6 The fully executed *Permission to Use Copyright Agreement* shall be retained in accordance with the *Records Management Policy* in a repository accessible to AHS representatives.

4. Using Third Party Copyrighted Materials

- 4.1 AHS representatives shall not infringe copyright when reproducing or adapting third party copyrighted content.
- 4.2 Permission from third parties can be obtained by:
 - a) abiding by the licence terms; or
 - b) if there is no licence, or the proposed use is outside the licence terms, requesting and receiving permission from the third party copyright owner.
- 4.3 Every reasonable effort shall be made to obtain copyright permissions for provincial use.
- 4.4 The written copies of all permissions received shall be retained in accordance with the *Records Management Policy* in a repository accessible to AHS representatives.
- 4.5 For complex copyright permission requests, consult with Knowledge Management. Knowledge Management shall refer legal issues to Legal & Privacy.
- 4.6 AHS shall reference any third party materials permitted to be reproduced or adapted in the AHS created content in accordance with the licence terms.

DEFINITIONS

AHS representative means Alberta Health Services employees, members of the medical and midwifery staffs, Students, Volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers, as necessary).

Creative Commons licence means a public copyright licence that provides a standardized way to manage the copyright terms that attach automatically to all creative material under copyright.

Copyright means the sole right to produce or reproduce a work or a substantial part of it in any form. 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.

Intellectual property means:

- a) the intangible nature of works or creations that is unique and original;
- b) any tangible expression thereof;
- c) the rights arising from the legal protection of intellectual property, including copyright, trade-marks; patents, industrial designs, and integrated circuit topographies; and
- d) know-how and other trade secrets.

Intellectual property includes, but is not limited to, technology, technical information, data, databases, formulae, computer software, computer code, drawings, graphics, designs, concepts, ideas, apparatus, processes, research tools, prototypes, methods, techniques and all original literary, dramatic, musical, and artistic works, all print, multimedia electronic and audiovisual materials, manuals, program packages, and educational materials.

Licence means a legal agreement giving someone permission to use a work for certain purposes or under certain conditions. A licence does not create a new owner for the work.

Third party means organizations or entities external to AHS.

REFERENCES

- Alberta Health Services Governance Documents:
 - *Delegation of Approval Authority Policy* (#1168)
 - *Information Classification Policy* (#1142)
 - *Intellectual Property Policy* (#1137)
 - *Records Management Policy* (#1133)
- Alberta Health Services Forms:
 - *Copyright Permissions Request Form* (#20716)
- Alberta Health Services Resources:
 - *Copyright Insite pages*
 - Copyright FAQs
 - *Permission to Use Copyright Agreement*
- Non-Alberta Health Services Documents:
 - *Copyright Act, R.S.C., 1985, c. C-42*
 - *Copyright Regulations, SOR/97-457*
 - *Creative Commons website*

VERSION HISTORY

Date	Action Taken
Click here to enter a date	Optional: Choose an item