Navigating Copyright for Crown-Published Works: A Code of Best Practices for Libraries

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Codes of Best Practice

The codes of best practice were designed to provide a legal framework for libraries when using copyright protected materials. While the codes have undergone legal and peer review processes and do present legally defensible and judicious models for the application, they are not intended to be a substitute for legal advice.

▶ **Fair Dealing for Open Educational Resources**

▼ **Crown Copyright**

English Version   **Version française**

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Access to government information is a foundational pillar of a working democracy. This access must not only be open, it must be perpetual. Libraries have assumed responsibility for the stewardship of both print and digital government publications, through their digitization and web harvesting programs.

For libraries to do this work, their staff must first navigate Crown copyright

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CFLA FCAB

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CANADIAN ASSOCIATION OF · ASSOCIATION DES BIBLIOTHÈQUES
RESEARCH LIBRARIES · DE RECHERCHE DU CANADA

www.carl-abrc.ca

https://www.carl-abrc.ca/influencing-policy/copyright/carl-codes-of-best-practice/

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WHY we created this code
Crown copyright

- Libraries across Canada act as **stewards for government information**. Two main service areas:
  a. digitizing and making available legacy print government publications, and
  b. collecting, preserving, and providing ongoing access to born-digital content published on government websites.
- Confusion about how to navigate Crown copyright controls **hampers** and can even **prevent** the work described above.
- Risk aversion in the early 2010s resulted in the loss of countless government publications, in both print and digital format. This type of **copyright chill** persists for many libraries and archives.

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WHY we created this code
Crown copyright

- Legislative reform of Crown copyright has been requested for at least four decades and by a wide range of stakeholders.
- The *Code* was created to assist libraries as they navigate copyright considerations when working with government information.
- The *Code* shares current case studies where academic libraries are acting as stewards for government information.

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HOW the code was developed and by WHOM

- Writing team struck in Apr 2023
- Draft developed, May-Sep
- Review process, Oct-Jan:
  - by legal experts
  - subject experts
  - open peer review
- Editing and proofreading (Feb-Apr)
- Formatting and translation (May-Jun)
- Final version available on CARL and Canadian Federation of Library Associations (CFLA) websites.

2 comprehensive reviews, 2 cursory reviews

~5 reviews, including CFLA Crown copyright working group

~10 responses from legal practitioners, librarians, archivists, and other information professionals

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HOW the code was developed and by WHOM

Writing Team

Amanda Wakaruk, Chair (University of Alberta)

Graeme Campbell (Queen's University)

Steve Marks (University of Toronto)

Brianne Selman (University of Winnipeg)

Graeme Slaght (University of Toronto)

Rob Tiessen (University of Calgary)

Jennifer Zerkee (Simon Fraser University)

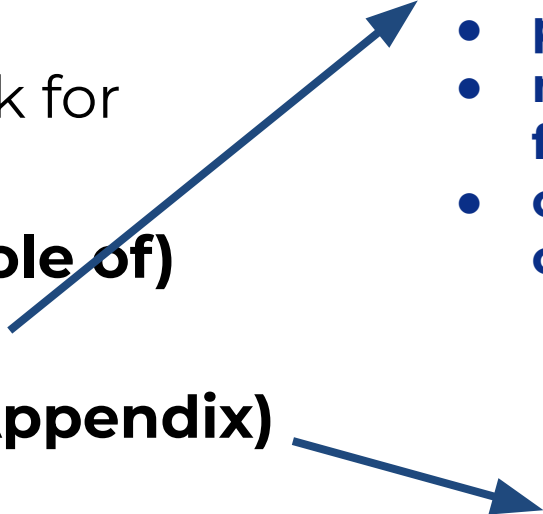*Observers* (Depository Services Program, Public Services and Procurement Canada)

Christian Bernier, Stephanie Cote, Elizabeth Sander

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WHAT does the code say?

- **Background** → crash course! *Copyright Act*, RSC 1985, c C-42, s12
- **Risk assessments**
- **Current government policies**
- **Legal framework for libraries**
- Case studies (role of)
- Best practices
- Case studies (Appendix)

what's "your" exposure? (public domain? moral and economic rights?)

what has the govt already said about usage?

statutory user rights (spoiler: it's fair dealing)

Final Draft: *Navigating Copyright for Crown-Published Works: A Code of Best Practices for Libraries*

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WHAT does the code say?

- Background
- Risk assessments
- Current government policies
- Legal framework for libraries
- **Case studies (role of)**
- **Best practices**
- **Case studies (Appendix)**

- **open access by default, limitations in rare cases when deemed necessary**
- **conduct risk assessment for harms related to economic rights**
- **provide full attribution**
- **no modifications beyond format**
- **commitment to ongoing communication**

existing web harvesting and digitization projects

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Case Study: Government of Alberta Web Archiving

University of Alberta Library (2011 -)

- Early adopters of the Internet Archive's Archive-IT web archiving service
- Librarians were preparing for web content changes (losses) that typically follow a general election
- All content is assumed protected by copyright
- The Government of Alberta launched its open government program in November 2012; scope now includes legislation, publications, and datasets

https://archive-it.org/collections/2901

Government Information Collection
Collected by: University of Alberta

Archived since: Oct, 2011
Description: This collection includes primarily Government of Alberta archived web content captured at various points in time since as early as 2011. All content was produced and made available online by government ministries, departments, and agencies in Alberta and Canada. Current web content from those ministries, departments and agencies can be found on the attributed websites or related successor websites.
Subject: Government
Creator: Government of Alberta
Publisher: Government of Alberta
Coverage: Canada--Alberta
Rights: This copyright-protected content has been preserved and made available pursuant to the Copyright Act of Canada. Any reproduction or other use of this content is subject to the same legislation and may require permission from the rights holder. If you have any questions or concerns, please contact us via the Web Archiving at the University of Alberta web page: https://library.ualberta.ca/web-archiving.
Language: French, English

Narrow Your Results

Title: City of Edmonton
URL: http://www.edmonton.ca/
Description: Official website of the City of Edmonton, located in Edmonton, Alberta, Canada
Captured 689 times between March 28, 2012 and March 26, 2024
Subject: local government, services
Group: Alberta Cities
Creator: City of Edmonton
Language: English
Coverage: Canada--Alberta--Edmonton

Title: Edmonton Police Service
URL: http://www.edmontonpolice.ca/
Description: Edmonton Police Service
Captured 179 times between March 28, 2012 and March 26, 2024
Videos: 4 Videos Captured
Subject: Police services, Crime prevention
Group: Alberta Cities
Creator: Edmonton Police Service
Language: English
Coverage: Canada--Alberta--Edmonton
Relation: Canada--Alberta

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Case Study: Digitization of Government of Alberta Publications

University of Alberta Library (2013 -)

- Discards (duplicates) from LAC's provincial collections were distributed to legislative and academic libraries across Canada
  - *Is your library a recipient of discards from this project?*
- UAL digitized the collection it received in 2012; it's been openly available online since 2013
- Majority of titles were published after 1980 and are assumed to be protected by Crown copyright

https://archive.org/details/albertagovernmentpublications?tab=collection

Government of Alberta Publications Collection

This collection contains government publications created by the Government of Alberta's ministries and agencies. Documents from most ministries and agencies are included, however the collection heavily features content related to education (Alberta Education, Alberta Learning, Student Evaluation Branch, etc.) as well as resources and the environment. Note: this is not an inclusive collection of all departmental publications produced.
Current Government of Alberta publications can be found here: https://open.alberta.ca/publications
Additional Government of Alberta publications can also be found here: https://librarysearch.assembly.ab.ca.
More...

COLLECTION   ABOUT

17,202 Results

Search metadata
Search text contents

Year Published
1866 - 2023

Part Of
University of Alberta Library
toronto
texts

Media Type

Sort by: Weekly views   Title   Date published   Creator

COLLECTION   ABOUT

DESCRIPTION

Created on
November 29 2013

Andrea Mills
Archivist

A statement on catalogue and resource descriptions:

The University of Alberta Library recognizes that our catalogue and resource descriptions contain language that reflects the biases, norms, and perspectives of the time in which they were created. In particular, for resources about persons and groups, this language is often outdated and harmful. These descriptions also incorporate controlled vocabularies, such as the Library of Congress Subject Headings, which include some headings (e.g., Indians of North America), that are offensive or inappropriate. We use international standards for description, but support and actively participate in efforts to update and change these practices as we strive for descriptions that are inclusive, respectful, and do not cause harm. We acknowledge the critical importance of community consultation in these efforts, and as residents on Treaty 6 territory and Métis Region 4, we commit to working together with our local communities to make these changes.

For more information about our Internet Archive collections, please contact digitization@ualberta.ca.

RIGHTS

All content in this collection was produced and made available publicly by government ministries, departments, and agencies in Alberta. Any copyright-protected content has been preserved and made available pursuant to the Copyright Act of Canada. Any reproduction or other use of this content is subject to the same legislation and may require permission from the rights holder. If you have any questions or concerns, please contact us via the Digitized Collections Copyrights and Terms of Use web page.

ADDITIONAL CONTRIBUTORS
LexW
Archivist

VIEWS
Total Views: 3,587,506

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Case Study: Canadian Government Web Archiving

Canadian Government Information Digital Preservation Network (CGI DPN, 2013 -)

- Collaboration initiated by academic libraries across Canada + Stanford
- Initially a collection of Government of Canada PDF-format publications acquired from the DSP and preserved in a Private LOCKSS Network (PLN)
- Added web archiving of at-risk federal web content
- Now over 340,000 items from all levels of Canadian government, most protected by Crown copyright

https://osf.io/vpnrc/

Case Study: Digitization of Government of Canada and Government of Ontario Publications

University of Toronto Libraries (2021 -)

- Large-scale digitization project
- More than 50,000 published volumes from the governments of Canada and Ontario
- Publicly available through the Internet Archive (IA)
- Guiding principles:
  - Preservation and access of these materials for all
  - Working with LAC to provide them with copies
  - Removal requests from Crown copyright holders or publishers will be assessed by UTL/IA on a case by case basis

https://archive.org/details/uoftgovpubs

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WHEN should you use the code?

image courtesy of Kim Kemmer

- The *Code* was created to assist libraries as they navigate copyright considerations when working with government information. It has been written to assist in various scenarios, including:
  a. when **conducting a copyright risk assessment** for digitization and web archiving activities, across library sectors,
  b. when **communicating with administrators** and other decision makers, especially those who are unfamiliar with this area of copyright law, and
  c. when **working with library staff** who are unfamiliar with copyright controls and user exceptions related to working with Canadian government information.

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Questions?

Home > Influence Policy > Copyright > Codes of Best Practice

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image courtesy of
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