

The University of British Columbia Library	Document No.	DP-009
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Title	Digital Preservation Copyright and Permissions Policy	

UBC Library’s digital preservation strategy is based on the transformation of ingested content into file formats conducive to long term preservation, in addition to standard bit-level preservation.

Agreements and Licenses

To accomplish this goal, permission is acquired from copyright owners in order to manage and store content that is still protected by copyright. The various agreements from both Vancouver and Okanagan confirm permissions for the manipulation, management and distribution of the content.

- Digital Initiatives Non-Exclusive Distribution Agreement
- cIRcle License (<http://circle-23jan2015.sites.olt.ubc.ca/submissions/license-form/>)
- UBC Library Development Gift in Kind Agreement (Vancouver and Okanagan)

Copyright

Copyright is the sole and exclusive right of a copyright owner of a work to produce, reproduce, perform, publish, adapt, translate and telecommunicate the work, or any substantial part of it, and to control the circumstances in which others may do any of these things (*Copyright Act* Section 3.1). These rights are subject to certain exceptions which balance the copyright owner’s interests with the public interest in allowing use of works for purposes such as education, private study and research (s. 29.1).

The exceptions to infringement in the Act particularly those for libraries and archives are the basis for inclusion in the digital repository. These exceptions allow UBC Library to create and keep a copy of material on its servers for preservation and persistent access. The ability to convert and copy rare or unpublished content gives sufficient control of the material in order to ensure its integrity and continued availability through bit-level preservation.

Moral Rights

Moral rights are additional legal rights held by authors of copyrighted works and performers of copyrighted performances. They consist of the right of attribution, and the right to protect the

integrity of a work and the reputation of its author or performer as applicable. These rights are important for authors and performers to ensure they receive appropriate recognition for their work and for prohibiting any prejudicial changes to their works. It is important to note that moral rights cannot be assigned; moral rights can only be waived.

Conversion and Migration

Copyright owners granting conversion consent to having their content migrated to new formats for the purposes of long term preservation. UBC Library has the authority to convert files in its permanent collection from formats deemed as being in danger of becoming obsolete into ones more suited to long term interpretability.

However, if the Library owns a copy of the content, conversion of the content to an alternate format is justified under Section 30.1 based on considerations such as if the format or the equipment used to access the content is obsolete, or becoming obsolete, or if the equipment is not available.

Access

Access to content is informed by licensing agreements with copyright owners and current copyright legislation. In order to respect the rights of copyright owners, levels of access are applied to content in the digital repository.

Physical Access

Copyright owners granting this right consent to a worldwide, royalty-free, non-exclusive, perpetual licence for UBC Library to print, store and display the content at any of its premises, including in displays and public exhibitions, and advertising materials for same, and make the content available to any visitor to UBC's premises. UBC may loan print copies of the content to other institutions in keeping with UBC's normal library and archive practices and safeguards. This is in keeping with s. 30.2 when granting access for patrons of another library; replacement copies of holdings of other libraries where a copy is/was in their permanent collection (s. 30.1).

Online Access

Copyright owners granting this right consent to the upload and storage of content in UBC's digital repositories, the ability to publish the content electronically on the internet, which means making the content available to the public so that they may view and download, subject to the UBC Library Digital Preservation Access and Use Policy.

Take Down Policy

The UBC Library makes every effort to ensure that it has appropriate rights to provide access to content online for the purposes of education and research. Where possible, the UBC Library secures rights to use works that are in copyright; in those cases where the rights are unclear,

we attempt to obtain consent. Rights holders are welcome to contact UBC Library's Digital Initiatives Unit to make necessary corrections. The UBC Library will immediately remove any content at the copyright holder's request.