

# #5 - BORROWING AND SHARING MATERIALS

ESDC Intellectual Property (IP) Job Aid Series

As our workplace culture becomes more collaborative, borrowing and sharing materials with others is now a common practice. While there are great benefits to sharing, copyright must always be respected.

The tips below will help you to borrow and share in accordance with copyright law and our [ESDC IP Management Policy](#).



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## DETERMINE COPYRIGHT OWNERSHIP

Are the materials being shared/borrowed **original** and **owned by the federal Crown**?

Any IP created entirely by federal employees in the course of their duties belongs to the employer so is usually safe to share from a copyright perspective.



Image Source:  
pixabay.com

Were any materials taken from external sources such as free or fee-based websites, photo banks, organizations or individuals with or without permission?

[See: [Job Aid #3 – Finding Free Images](#)]

Always **find, read, save** and **comply** with the *Use Requirements* when using materials belonging to others including those acquired through a subscription to a private sector company.

[See: [Job Aid #4 – Use Requirements](#)]

Do the *Use Requirements* allow us to share with colleagues inside the department and others, including those in other departments or outside the federal government?

- Materials created by contractors under a procurement contract may be owned by the *contractor* and not the federal Crown. If contractors or other private sector services were involved in the creation of the materials, check the contract to ensure it allows sharing. [See: [Job Aid #9 – IP and Contracting](#)]
- Verify that the contractor complied with the copyright-related provisions in the contract, including obtaining licenses for third-party materials used in the project.

## CHECK THE DETAILS

Are records available to prove Crown ownership of all materials being shared? If not owned by the Crown, can we prove that permission was obtained to **use and share** this material?

Was written permission to use **and share**, received **and retained** from all individuals (including staff) whose image or voice were used in a photo or video? [See: [Job Aid #11 Additional Rights](#)]

Are there any issues related to privacy or information management?

Is there anything that might damage the reputation of this organization or the federal government if the shared materials were used inappropriately?

As we don't know the copyright practices of other organizations, it is essential to verify the copyright status of any materials we borrow; **if doubts exist, don't use the product or remove questionable materials.**

An appropriate agreement, approved at the Director General level **before sharing of material**, should be completed whenever material of significance is shared.

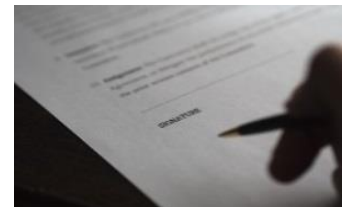


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## KEEP RECORDS



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**Maintain records indefinitely when borrowing or sharing materials.**

- This would include documents indicating a willingness to share by the branch or team that created the material, proof of Crown ownership and/or permission from copyright owners or posted *Use requirements*.
- These should be kept in a common drive or other area where they can be accessed by multiple employees and kept indefinitely.

**Questions? Refer to the [IPCOE Website](#) or contact the [IPCOE](#) by email.**