Copyright & Your Thesis/Practicum

What graduate students need to know

University of Manitoba
August 2019
This presentation is for informational purposes only and is not intended to be official legal advice. Images used with permission from Microsoft unless otherwise noted.
Copyright – Why should you care?

• It’s the law.

• Compliance is your responsibility.
Definitions

• Copyright = right to copy, type of intellectual property (IP).
• Moral Rights = Reputational rights (association, integrity, attribution).
• Work = image (e.g., photograph, figure, diagram, chart, table, map, cartoon, clipart, architectural drawing), chapter, article, essay, script, blog post, painting, musical score, song, video, actor’s performance, computer program, book, etc.

• Copyright infringement = violation of creator’s copyright, unlawful use of a copyrighted work, potential consequences.
What can be copyright protected?
Who owns copyright?

• **Usually** the creator (writer, photographer, painter, composer, etc.).
• Can be an employer.
• Copyright can be assigned (given) to publisher, organization or person.
• Copyright can be left in a Will to an inheritor.
• Students own copyright to their theses/practicums in most cases.

• Owners have the right to control their work and benefit financially from it.

• [UM Intellectual Property policy](#)
Universal copyright symbol ©

- © symbol is not required to protect a work in Canada but is required in some countries.
- © symbol is recommended because it serves as a notice to readers that a work is copyrighted.
- Just because there is no © does not mean a work is not copyright protected.
- In Canada, a work is automatically protected by copyright as soon as it is created.
What to consider when using works in a thesis/practicum?

- The *Copyright Act* and its exceptions.
- Use of Copyright Protected Materials Policy.
- Free or pre-paid stuff.

- Instructors and TA’s should also consider the UM Copyright Guidelines and library electronic resources.
Copyright and Plagiarism

- Copyright and plagiarism can overlap → not the same thing
- Copyright is about the legal right to copy and be compensated for a work
- Plagiarism is about ethical and academic integrity and providing proper citation/attribution for a work
- For questions about plagiarism, contact the Academic Learning Centre: academic_learning@umanitoba.ca or 204-480-1481
The **Copyright Act** allows you to:

Take your own photograph (with limits) or create or draw your own graph, chart, map, diagram, etc. based on someone else’s ideas, facts, statistics, data or news. Add a “based on” statement with citation.

- **Ideas, facts, statistics, data, equations, algorithms, news and simple drawings** cannot be copyrighted.
- Copyright protects the **expression** of ideas, **not** the ideas themselves.
- Permission is needed to **modify or adapt** a work (due to the need to retain the integrity of the work or the intent of the creator).
Chart 2 – Original chart

**FIGURE 15.4 MEGA-CITY GROWTH**

<table>
<thead>
<tr>
<th>City</th>
<th>2000</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Mexico City</td>
<td>18</td>
<td>22</td>
</tr>
<tr>
<td>New York</td>
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<td>Buenos Aires</td>
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<td>São Paulo</td>
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<td>Lagos</td>
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<td>Karachi</td>
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<td>Mumbai</td>
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<td>Kolkata</td>
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<td>Jakarta</td>
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<td>Metro Manila</td>
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<td>Shanghai</td>
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<td>18</td>
</tr>
<tr>
<td>Osaka</td>
<td>18</td>
<td>22</td>
</tr>
</tbody>
</table>

*Population in millions*

**Chart 2 – Chart re-created as a table**

<table>
<thead>
<tr>
<th>City</th>
<th>2000</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles</td>
<td>13,000,000</td>
<td>14,000,000</td>
</tr>
<tr>
<td>Mexico City</td>
<td>18,000,000</td>
<td>19,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>16,000,000</td>
<td>17,000,000</td>
</tr>
<tr>
<td>Buenos Aires</td>
<td>12,000,000</td>
<td>14,000,000</td>
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<tr>
<td>Sao Paulo</td>
<td>17,000,000</td>
<td>20,000,000</td>
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<tr>
<td>Lagos</td>
<td>13,000,000</td>
<td>22,000,000</td>
</tr>
<tr>
<td>Karachi</td>
<td>11,000,000</td>
<td>18,000,000</td>
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<tr>
<td>Mumbai</td>
<td>17,000,000</td>
<td>26,000,000</td>
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<tr>
<td>Delhi</td>
<td>11,000,000</td>
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<td>Kolkata</td>
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<td>11,000,000</td>
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<td>Shanghai</td>
<td>12,500,000</td>
<td>15,000,000</td>
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<tr>
<td>Osaka</td>
<td>11,000,000</td>
<td>11,000,000</td>
</tr>
<tr>
<td>Tokyo</td>
<td>26,000,000</td>
<td>26,000,000</td>
</tr>
</tbody>
</table>

The Copyright Act allows you to:

• Copy and distribute an amount that is “fair”.
• “Fair” is defined by case law, not by the Copyright Act.
  • 2 steps and 6 factors to consider on a case-by-case basis

• Ultimately, it is up to you to determine if the amount copied is fair. Remember that you are responsible for your copying.
  • You can contact the Copyright Office for guidance and information, but the Copyright Office cannot provide any official legal advice.

• Because your thesis/practicum will be available online worldwide, it is advisable to err on the side of caution.
The Copyright Act and Fair Dealing

• In general, using up to 10% of a work could be considered fair, even if the work comes from a website with restrictive terms of use.

• Text
  • up to 10% of a work could be considered fair.

• Music or video
  • assess the amount needed vs the amount available from the original source.

• Images (photograph, table, figure, diagram, chart, map, cartoon, clipart, etc.)
  • assess the amount needed vs the amount available from the original source.
Fair Dealing examples

- If you want to copy 2 figures from a journal article which contains only 9 figures in your thesis/practicum, it would likely NOT be fair to copy them because there are not that many figures in the whole article compared to how many you would like to use (copying 2 of 9 figures is more than 10%).

- If you want to copy 4 photos from a website that had hundreds of photos, it would likely be fair to copy them to your thesis/practicum (4 photos is less than 10%).

- You may copy a whole article or chapter for your own research and private study (i.e., for your own personal files).
The Copyright Act and UGC

• Apply user-generated content provision (UGC or YouTube exception).

• Create and share a new work using publicly-available works as long as the use is non-commercial, no adverse (economic) effects on existing works, citation where reasonable, existing works are legal copies (e.g., not pirated movies), and you accessed existing works legally (e.g., you didn’t break digital locks).
  • Examples: You can create a mash-up of video chunks, a musical remix or a collage of images. Or you can create a home video with popular music in the background and upload it to YouTube.

• Your creation must be substantially different than existing works.

• Remember that permission may be required to modify or adapt.
What country’s copyright law to apply?

• Follow Canadian rules while researching, writing your thesis/practicum, publishing, or teaching in Canada even if you’re using works from other countries.
• Don’t assume you can copy the same way in Canada as in other countries, and vice versa.
Copyright and the web

• Everything on the web (photos, diagrams, figures, blogs, articles, theses/practicums, etc.) is considered copyright-protected unless explicitly noted otherwise. This includes content on social media like Instagram and Facebook.

• Avoid sites where content is obviously posted illegally (e.g., a movie taped inside a theatre, or scanned images posted by “PirateDood”).

• If there are no terms of use or if the terms of use are restrictive, apply the Fair Dealing rule, get permission, or link to the URL.
Use free or pre-paid resources

• Copy a complete work from the public domain.
• Copy a Creative Commons work according to its licence. Creative Commons is a great resource for photos.

• Note that some websites offer both free works and fee-based works.
  o A “royalty-free” licence does not mean that something is free to use. It means a one-time, instead of reoccurring, fee.

• See the Copyright Office website for links to free or pre-paid stuff.
In general, copyright lasts for 50 years after death of creator.

When the copyright term expires, the work enters the public domain.

Public domain work is not protected by copyright - can be copied, distributed, adapted, modified, etc. without permission.

Some public domain works can be found at Gutenberg Canada and Project Gutenberg and Wikipedia: Public Domain Resources.

Public domain = Free
Confusion about the public domain

• If a public domain work is re-published with new content, that new version is copyrighted. Shakespeare’s *Hamlet* published with a preface, critical essays and margin notes in 2001 by Penguin Books is copyrighted by that publisher.

• A publicly available work from the web or the library is not the same as a public domain work.

• Much of the content on the web or in “newer” books or journals is not in the public domain.

• Term of Copyright is set to be extended to 70 years from 50 in the near future (still waiting to see how this will be implemented)
• **Creative Commons** is an organization committed to sharing works
  • promotes collective ownership of knowledge
  • bridges gap between full copyright and public domain.
• Good for **users** of other people’s works and **creators** of original works
  • you can copy any Creative Commons work to your thesis/practicum, but
don’t modify it unless the licence allows you to.
  • you can choose to waive or limit copyright in your own work, you can
choose a licence easily and for free, you can reserve some rights.
• See the [Creative Commons website](https://creativecommons.org) for more information.
• Only caveat to CC: be cautious if you have reason to believe something
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recent New York Times bestseller available for free online with a Creative
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Google Maps and Earth

Venice, Italy

Map data © 2014 Google

Google attribution Guidelines: https://www.google.com/permissions/geoguidelines/attr-guide/
## More resources

<table>
<thead>
<tr>
<th>Educational Materials</th>
<th>Journals</th>
<th>Books</th>
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<td>Directory of Open Access Journals</td>
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<td>Librivox</td>
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<td>Freeplay Music</td>
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<td>Musopen</td>
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<td>Pics4Learning</td>
<td>Mutopia Project</td>
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<td>Bigfoto</td>
<td>Public Domain/Royalty Free Music</td>
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<td>Unsplash</td>
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You may also:

- Copy a complete Canadian federal government work (unless noted otherwise, e.g., consultant report).
- US federal government works are public domain in the United States, but may be subject to copyright in Canada, so permission should be requested to use more than 10%.
- You need permission to copy more than a fair amount (more than 10%) of a state, provincial or municipal government publication. However, it is unlikely you will be refused or be required to pay a fee.
You may also. . .

- Copy your own published work in your thesis/practicum provided the publisher allows it (e.g., for a sandwich thesis/practicum).
- But check your publisher contract or contact the publisher for permission.
- Consult with your advisor and/or the Faculty of Graduate Studies about a sandwich thesis/practicum.
Limits

• Don’t copy unpublished works such as letters and diaries unless it’s for private study and research. Get permission to distribute.

• Don’t copy more than a chapter or 10% of a work cumulatively over time, even for private study.
How to get permission?

• Start early.

• Determine who the copyright owner is
  • publisher
  • author, creator, photographer
  • employer, inheritor
  • other.
How to get permission?

• Prepare request in writing (verbal agreement is not valid).
  • Check online article for a link to obtain permission (e.g., RightsLink is often used by publishers).
  • Use fillable form on publisher’s website.
  • Copy sample permission letter from Copyright Office website.
  • Use your own wording, including full citation information and intended use (thesis/practicum, conference, non-profit, etc.).

• Response is usually, but not always, quick (instant to 1 month+).
The social psychology of adolescence. 2nd edition

Full text available at: CRKN Wiley Online Library
Available from 1997

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Available from 1966
Most recent 1 year(s) not available

Full text available at: WRHA-EBSCOhost Psychology and Behavioral Sciences Collection
The social psychology of adolescence. 2nd edition.

First published: 28 October 2002 | https://doi.org/10.1111/1469-7610.02372


In The social psychology of adolescence, Patrick Heaven has produced an accurate and lucid compendium of current research on the social development of adolescents during their second decade of life. The book is an updated and revised edition of his earlier work, The Social Psychology of Adolescence, presumably re-titled to adequately reflect the larger emphasis on the content. It has a strong basis on empirical research, but the text is well written in a style that helps to break down the jargon-oriented theoretical terms used in many social psychological approaches. And it does this without becoming excessively lightweight. Instead, the material focuses on empirical studies, makes reference to contemporary theory and does not exclusively bias the scope to North American research alone, drawing from cross-cultural research on adolescent social psychology in Africa, Australia, Canada, Finland, Hong Kong, Russia and Sweden to name but a few. The target audience for this text is those interested in nursing, health care, child psychiatry, educational psychology and as a supplementary
Title: The social psychology of adolescence. 2nd edition.
Publication: Journal of Child Psychology and Psychiatry
Publisher: John Wiley and Sons
Date: Oct 28, 2002
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  • pay fee
  • negotiate the fee
  • cancel the request if fee is too high.
Duration?

- Try to get perpetual or non-time limited licences
- Some thesis/practicum/dissertation licences are for limited periods
- May need to renew license if time limited because your thesis/practicum will be online indefinitely
Permission granted

- Signature in ink is not required (e-mail ok).
- Keep permission letters for your files.
- Don’t add permission letters *inside* your thesis/practicum.
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• Follow the copyright owner’s instructions for a “used with permission” statement, or create a statement similar to this:

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• For your own works:

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• Include a “Used with permission” statement with the work used, and/or with the list of references/citations.
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• Consider whether copyright exemptions allows use of the copyright protected work in your thesis/practicum **for your defense only**, then delete or cover up the work using Paint or Adobe Acrobat for the final official version.

• If deleting copyrighted works in your thesis/practicum, watch the pagination and table of contents!
This item has been removed due to copyright issues. To view it, refer to its source.

Figure 9. Overall venue plan of National Exhibition Centre, Birmingham, UK. Source from: http://www.necgroup.co.uk/visitor/theneec/

Five of the halls interconnect and radiate from a central service and circulation zone – the central piazza, which provides the first access to the visitors to the hall they wish to visit. Thus, it reduces walking distances and visitor fatigue. In addition,
More about your thesis/practicum defense

• Display copyrighted works without permission during your thesis/practicum defense but don’t provide handouts or otherwise distribute the presentation unless the copyrighted material is used fairly, a licence applies, or permission was obtained.

• Ensure you have a citation for each work.

• To keep your slides “clean”, include all citations on the last slide.
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- While the MSpace licence allows the UM to reproduce and distribute your thesis/practicum, you retain copyright and moral rights to your thesis/practicum.

- For questions about MSpace, contact Wendy Prystenski at Wendy.Prystenski@umanitoba.ca or 204-474-7895.

- For questions about your thesis/practicum and forms to submit, contact FGS at 204-474-9377 or graduate_studies@umanitoba.ca.
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  - home telephone number
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• For a collaborative work, prepare a written agreement which will clarify copyright.
  • Copyright is owned jointly; that means you need all the authors’ permission to make use of a work.

• Check your publisher contract before distributing or uploading your published work.

• See SHERPA/RoMEO for publishers’ copyright policies.

• Read your publisher contract carefully and save it for your files.

• You can contact the Copyright Office if you have question about copyright and publishing.
Test your copyright knowledge

- Take the Copyright Quiz available from the Copyright Office website.
- To learn more, take the Copyright Tutorial available in UMLearn.
Cite your sources

• Always cite your source, whether you use someone else’s data, an image, a work from the public domain, a work for which permission was obtained, a library resource, etc.

• Keep in mind that citing does not replace obtaining copyright permission.

Sample theses/practicums in MSpace

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Landy thesis, p. xxv, 75, 124, 159, 208
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Shan thesis p. x, 7, 81, 121, 157
http://hdl.handle.net/1993/4271

Sample “Adapted with permission” statement
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http://hdl.handle.net/1993/2807
Sample theses/practicums in MSpace

Sample “Based on” statement  
[Odoh thesis](http://hdl.handle.net/1993/14408) p. 35

Sample statement acknowledging your own work  
[Douville thesis](http://hdl.handle.net/1993/2807) p. 8
Sample theses/practicums in MSpace

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http://hdl.handle.net/1993/3895

Sample statement about pending publication
Li thesis p.12, 58
http://hdl.handle.net/1993/293
The Copyright Office will...
Remember, use it fairly – keep it legal

• Questions?