Grad Steps
FROM CAMPUS TO CAREER
Faculty of Graduate Studies
Copyright & Your Thesis/Practicum
What graduate students need to know
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.
Question:

Do you own any copyrights?

“Question” by Anemone123, retrieved from https://pixabay.com/photos/question-question-mark-survey-2736480/, used with permission under the Pixabay License.
What is copyright?

• Statutory right under the *Copyright Act*
• Copyright is the right of the copyright owner to control how a work (literary, artistic, dramatic, cinematographic, musical) is reproduced or made available to the public, and to request economic compensation
• Moral rights are reputational rights (association, integrity and attribution)
What is copyright, cont.

• 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.

• Public performances and broadcast signals are also subject to copyright

• Work must be original and “fixed”

• Copyright law is territorial

• Apply Canadian law when copying in Canada
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.
• Copyright is jointly owned by co-authors.
• 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](#)
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 Academic Integrity: Loie.Gervais@umanitoba.ca or 204-474-9948
What can be protected by copyright?
In Canada, a work is **automatically** protected by copyright as soon as it is created.

- You do not need to register copyright, and do not require a copyright symbol

Just because there is no © does **not** mean a work is not copyright protected.

© symbol is required in **some** countries.

© symbol is recommended because it serves as a notice to readers that a work is copyright protected.
Why should you care about copyright?

• Failing to comply with copyright = copyright infringement
  • Compliance is everyone’s personal responsibility
  • Copyright infringement can have legal and reputational consequences
  • If you want to make copies of articles for your research, or use content (images, figures, etc.) from someone else’s work in your thesis/practicum, you need to know the copyright rules

• Know when you need permission from a creator, or when a copyright exception like Fair Dealing may apply
What to consider when using works in a thesis/practicum?

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

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

• Copyright law protects the *expression of ideas* but **not** the ideas themselves.

• Ideas, facts, statistics, data, equations, algorithms, news and simple drawings cannot be copyright protected
  • No one should have monopoly over an idea

• Distinction between the idea (not copyright protected) and the expression of an idea (chart, table, database, etc.) which will have copyright protection

What does the *Copyright Act* allow you to do with ideas?

- Take your own photograph (within 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.
Original graph

Publishing History for Fondue

“Publishing History for Fondue” by George Oates retrieved from https://www.flickr.com/photos/george/4271787161/ is available under Creative Commons Attribution-NonCommercial-NoDerivs 2.0 Generic License.
Graph

“Publishing History for Fondue” by George Oates is available under Creative Commons Attribution-NonCommercial-NoDerivs 2.0 Generic License.
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Based on: “Publishing History for Fondue” by George Oates retrieved from https://www.flickr.com/photos/george/4271787161/ is available under Creative Commons Attribution-NonCommercial-NoDerivs 2.0 Generic License.
The Copyright Act allows you to apply copyright exceptions

• Copy and distribute an amount that is “fair”.
• “Fair Dealing” 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

• Most post-secondary institutions Canada wide have adopted a guideline that generally 10% of a work will be considered fair

Text:
• Up to 10% of a work or one chapter or one article from a longer work

Music or video:
• Up to 10% of the song or video (not of the CD or DVD)

Images (photograph, table, figure, diagram, chart, map, cartoon, clipart, etc.):
• Assess the amount needed vs. the amount available from the original source (up to 10% of the images in a work with other images)
Fair Dealing questions

• If you want to copy 2 figures from a journal article which contains only 9 figures to use in your thesis/practicum, would this be fair?

• If you want to copy 4 photos from a website that had hundreds of photos, would this be fair?

• Is it fair to copy a whole article from a journal featuring other articles?
Limit

• 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.
The Copyright Act and UGC

• Apply user-generated content provision (UGC, YouTube or “mash-up” 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**.
Copyright Online

• 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”).

• Consider linking when using online content – a link is generally not considered to be a copy.

• Check website “Terms of Use” (in the footer of most websites). They may allow reuse of material in some circumstances, or tell you how to request permission for reuse.

Image by Gerd Altmann retrieved from https://pixabay.com/illustrations/email-keyboard-computer-copyright-826333/ is used under Pixabay License.
What are some free to use resources?

Public Domain

- Copyright is not perpetual - 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.
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 should not have a Creative Commons licence (e.g. you find a copy of a recent New York Times bestseller available for free online with a Creative Commons licence). May not be a valid licence.
Components of a CC Licence

BY (Attribution)
- Attribution to the creator of the resource is required and you must indicate if you have made any changes when reusing the resource

NC (Non-Commercial)
- The resource can only be used non-commercially by users. The creator can still use the resource commercially or may allow others to use the resource commercially with their permission

SA (Share Alike)
- If you remix (incorporate into a new work), modify, or alter the resource, you must share the new resource under the same CC licence as the old one
  - If you remixed a SA resource, your new creation needs to be SA licensed as well

ND (Non-Derivative)
- If you remix, modify, or alter the resource, you cannot share the modified version
Attribution-NonCommercial-NoDerivs 2.0 Generic (CC BY-NC-ND 2.0)

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No additional restrictions — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.
### Advanced Image Search

#### Find images with...

- **all these words:**
  - [ ] copyright

- **this word or phrase:**
  - [ ] Put exact words in quotes: "frost, flower"

- **any of these words:**
  - [ ] Type a space between all the words you want trees or weeds or grasses

- **none of these words:**
  - [ ] Put a minus sign before words that you don't want: -trees

#### Then narrow your results by...

- **Image size:**
  - [ ] any size

- **aspect ratio:**
  - [ ] any aspect ratio

- **colours in the image:**
  - [ ] any colour
  - [ ] full colour
  - [ ] black & white
  - [ ] transparent
  - [ ] this colour

- **type of image:**
  - [ ] any type

- **region:**
  - [ ] any region

- **site or domain:**
  - [ ] Show most relevant results

- **SafeSearch:**
  - [ ] any format

- **file type:**
  - [ ] free to use or share

#### You can also...

- Find pages that are similar to a URL
- Search pages that you've visited
- Use operators in the search box
Government Works

• Copy a complete Canadian federal government work (unless noted otherwise, e.g., consultant report). Federal government documents will have notices about the appropriate citation and conditions on use.

• 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 a fair amount.

• However, 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.
Your own work

- Before copying your own previously or soon to be published work into your thesis/practicum, ensure that your publisher allows this (e.g., for a sandwich thesis/practicum).

- 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.
How to get permission?

• If you want to use something in your thesis that is not free to reuse and a *Copyright Act* exception does not apply, then you will require permission from the copyright owner.

• Start early.

• Determine who the copyright owner is
  • publisher
  • author, creator, photographer
  • employer, inheritor
  • other.
The permission request

• Prepare request in writing (verbal agreement is not sufficient).
  • 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

In The social psychology of adolescence, Patrick Heaven and Jennifer March [is there a second author?], demonstrate the benefits of a comprehensive and lucid compendium of current research on the social development of adolescents. Throughout the book, they have identified the different stages of their second decade of life. The book is an updated and revised version of The social psychology of adolescence, presumably re-titled to adequately reflect the larger changes to the content that have taken place in the last decade. 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...
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Fees?

• For theses/practicums, permission is usually free.

• If a fee is requested
  • 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.
Permission statements

• There are no laws about how to create a “used with permission” statement. Use your department’s style (APA, MLA, Chicago, Turabian, CSE, etc.).

• Include a “Used with permission” statement with the work used, and/or with the list of references/citations.
“Used with permission” statement

• Follow the copyright owner’s instructions for a “used with permission” statement, or create a statement similar to this:

  Author (year). Title of image / article / work. Title of Journal / Book, volume (issue), page. Used with permission.

• For your own works:

  © 2019 Althea Wheeler
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.

Permission not granted

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

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,
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 copyright 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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• 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.
FIPPA, identity theft and your thesis/practicum

- Comply with FIPPA – keep personal information out of thesis/practicum.
  - home telephone number
  - home address
  - personal e-mail address.


- Delete, cut (ctrl+x) or black out any personal information or signatures that appear in your thesis/practicum prior to publishing it to MSpace.
Managing your own copyright

• For a collaborative work, consider 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.
Sample theses/practicums in MSpace

Sandwich thesis with permission statement
Webber thesis p. 2, 30, 31, 55, 56
http://hdl.handle.net/1993/3976

Landy thesis, p. xxv, 75, 124, 159, 208
http://hdl.handle.net/1993/31170

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
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http://hdl.handle.net/1993/14408

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

Sample statement about co-authorship
Das thesis p. iii
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. . .

- Answer your questions about copyright (images in thesis/practicum, fairness, permission, etc.).
- Help you determine allowable uses.
- Help you find Creative Commons or free resources.
- Help you with publishing questions (copyright assignment, can you publish your thesis/practicum, etc.).
## More resources

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Remember, use it fairly – keep it legal

• Questions?