Copyright and Researchers
Pitfalls and potholes to avoid
Avoid © pitfalls

• Know the rules. Are you a researcher, instructor, or graduate student working on a thesis? Copyright rules vary.

• Cite all works used (including clipart).
• Apply Fair Dealing.
• Check UM library licence agreements.
• Apply relevant Canadian Copyright Act provisions.
• Use free or pre-paid stuff.

• Help is available from the Copyright Office.
Fair Dealing for researchers

• Allowed to copy and share a “short excerpt” of a work.
• The *Copyright Act* does not specify what is considered a “short excerpt” nor what is “fair”. Universities Canada recommends up to 10%, the industry standard.

• Can copy short excerpts of works to create a personal collection of research resources.

• Can communicate a short excerpt with other researchers for collaborative research (for example, as a printed copy, via email, or by using a password-protected space such as Dropbox).

• Cannot communicate an excerpt via a “public space” such as an open Wiki, blog or personal webpage.

• See [http://umanitoba.ca/copyright/](http://umanitoba.ca/copyright/) for more information about Fair Dealing.
Avoid library licence potholes

• Library licences for electronic resources apply to UM community members only.

• Can share a UM library subscription-based electronic resource with UM colleagues only.

• Non-UM colleagues must obtain the electronic resource from their own educational institution.

• Contact your liaison librarian for resources relevant to your topic.
The **Copyright Act** and web content

- Web content = text, images, audio, video, etc. (including content on social media like Instagram and Facebook).
- Avoid content that is obviously posted illegally (e.g., scanned book posted by “PirateDood” or new release movie videotaped from inside a theatre).
- Don’t break digital locks (technical protection measures/TPMs).
- **If there are no terms of use and the material will be used for educational or training purposes**, copy and share content.
- **If website terms of use are restrictive but material will be used for a Fair Dealing purpose**, apply Fair Dealing or use URL.
- YouTube videos can be embedded or linked to– but make sure the content is legally uploaded (official accounts are a good indicator)
- **Always** include a citation for the source and name of the creator of any web content you use.
The Copyright Act allows you to:

- Create or draw an original figure, chart, diagram, etc. based on someone else’s ideas, facts, statistics, data or news. Add “based on” statement with citation.

- Permission might be needed to modify or adapt a work (due to moral rights - need to retain the integrity of the work or intent of the creator).

- Some things cannot be copyrighted (e.g., ideas, facts, statistics, data, equations, algorithms, news, simple drawings).

- Copyright protects expression of ideas, not ideas themselves.
Data

• Generally not subject to copyright protection
  o A recent court decision found that seismic data was copyright protected because of the degree of skill and originality in collecting the data

• One of the primary ways to restrict others using data is to keep it secret/confidential

• If you are using someone else’s data, consider whether there are restrictions on use
  • For example, was the data shared on the basis it could be used for research purposes but could not be published?

• Tri-Agency (NSERC, CIHR and SSHRC) funded research will have open data obligations in the future
Potential conference pitfalls

• Apply the UM Copyright Guidelines to a conference that takes place on the UM campus with an audience consisting primarily of UM students and faculty.

• Apply the copyright laws of the country you are presenting in.
  o Do not apply UM Copyright Guidelines or Canadian law to conferences that take place outside of Canada.

• *Copyright Act* exemptions may not apply if a conference is not held by a Canadian educational institution and/or the audience is not primarily students/faculty.

• *Copyright Act* exemptions may not apply if the conference or your appearance at the conference is for commercial purposes.

• If you have used copyright protected content in your presentation materials, you may only share copies if a *Copyright Act* exemption or licence applies, or if permission was obtained from the copyright owner.
## Use free or pre-paid stuff

<table>
<thead>
<tr>
<th>URL or permalink</th>
<th>Public domain (usually 50 years after death)</th>
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<tbody>
<tr>
<td><img src="https://i.imgur.com/12345678.png" alt="Creative Commons" /> (check CC licence)</td>
<td><img src="https://i.imgur.com/90876543.png" alt="Open Access" /> (see library info)</td>
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<tr>
<td>Library journals, databases &amp; other e-resources such as <em>ClinicalKey</em> (images, figures, videos, articles, books, etc.)</td>
<td>All Canadian federal government works (unless noted otherwise such as consultant reports)</td>
</tr>
<tr>
<td><strong>Bing Images</strong> / <strong>Google images</strong> (apply Fair Dealing or limit by usage rights)</td>
<td><strong>Open Government</strong> / <strong>OpenData</strong></td>
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<td><strong>Internet Archive</strong></td>
<td><strong>Library and Archives Canada</strong></td>
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## More resources

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<tr>
<th>Educational Materials</th>
<th>Journals</th>
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<td>Open Ed Manitoba</td>
<td>Directory of Open Access Journals</td>
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<td>BC Campus Open Ed</td>
<td>Electronic Journals Library</td>
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<td>JISC OER</td>
<td>PubMed Central</td>
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<td>National Science Digital Library</td>
<td>Open Library</td>
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<td>OER Commons</td>
<td>Directory of Open Access Books</td>
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<td>Open Street Map</td>
<td>Librivox</td>
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<td>Wikipedia</td>
<td>Project Gutenberg</td>
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<td>Wikimedia</td>
<td>Project Gutenberg Canada</td>
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<td>Open Culture</td>
<td>US Library of Congress</td>
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<th>Art/Comics</th>
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<tr>
<td>Public Domain Review</td>
<td>Art Institute of Chicago</td>
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<td>The British Library</td>
<td>Wellcome Images</td>
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<td>Creative Commons Search</td>
<td>Europeana</td>
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<td>Flickr: The Commons</td>
<td>The Met</td>
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<td>Wikimedia Commons</td>
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<td><strong>Music</strong></td>
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<td>Pixabay</td>
<td>Jamendo</td>
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<td>Freeimages.co.uk</td>
<td>Freeplay Music</td>
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<td>Clker.com</td>
<td>Musopen</td>
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<td>Pics4Learning</td>
<td>Mutopia Project</td>
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<tr>
<td>Bigfoto</td>
<td>Public Domain/Royalty Free Music</td>
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<tr>
<td>Unsplash</td>
<td>Hooksounds</td>
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Managing your own copyright

- UMFA members own copyright to their research, articles, course notes, etc. See [UMFA collective agreement](#).
- You may add a statement to your unpublished research material. © YEAR. Electronic or hard copy distribution of this content in part or in whole is strictly prohibited without the written permission of NAME OF RESEARCHER.
- For collaborative work, contact [Legal Counsel](#) to prepare a written agreement which will clarify copyright.
- Check your publisher contract before uploading your published work (e.g., to a UM personal website, [MSpace](#), [Dropbox](#), [Google Drive](#), [academia.edu](#)).
- When negotiating with publishers, try to retain rights.
Tools for authors

• To create a more balanced publisher’s agreement, see
  • CARL Author’s Addendum
  • Scholar’s Copyright Addendum Engine
  • Creative Commons

• See SHERPA/RoMEO for publishers’ copyright policies.

OPEN ACCESS Consider publishing in an open access journal.
Graduate students working on theses

- Copyright information sessions are offered every fall and spring. See GradSteps for details.
Researchers who are also instructors

- Find information specific to faculty and sessional instructors on the Copyright Office website or contact um.copyright@umanitoba.ca to schedule a copyright session for your teaching unit.
Resources

• UM Copyright Guidelines http://umanitoba.ca/copyright/
• Copyright Office http://umanitoba.ca/copyright/
• UM Libraries http://umanitoba.ca/libraries/
• Use of Copyright Protected Materials Policy http://umanitoba.ca/admin/governance/media/Use_of_Copyright_Protected_Materials_Policy_-_2018_05_22.pdf
• UMFA Collective Agreement http://umanitoba.ca/admin/human_resources/staff_relations/academic/UMFA.html
• Creative Commons http://search.creativecommons.org/
• Open access http://libguides.lib.umanitoba.ca/oa-publishing
• Copyright Act http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html
Remember . . .

- Use it fairly – keep it legal.
- Questions?
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um.copyright@umanitoba.ca

http://umanitoba.ca/copyright

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