Copyright and Researchers

Pitfalls and potholes to avoid

June 2019
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 generally be shown publicly.

- **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
  - 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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<td><img src="https://upload.wikimedia.org/wikipedia/commons/thumb/8/8d/Creative_Commons.jpg/240px-Creative_Commons.jpg" alt="Creative Commons" /> (check CC licence)</td>
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<td>Library journals, databases &amp; other e-resources such as ClinicalKey (images, figures, videos, articles, books, etc.)</td>
<td>All Canadian federal government works (unless noted otherwise such as consultant reports)</td>
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<tr>
<td>Bing Images / Google images (apply Fair Dealing or limit by usage rights)</td>
<td>Open Government / OpenData</td>
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  - The British Library
  - Creative Commons Search
  - Flickr: The Commons
  - Wikimedia Commons
  - Art Institute of Chicago
  - Freeimages.co.uk
  - Open Clip Art Library
  - Pics4Learning
  - Bigfoto
  - The Met

- **Art/Comics**
  - Art Resource
  - Wellcome Images
  - Europeana
  - Comics Kingdom

- **Music**
  - Jamendo
  - Freeplay Music
  - Musopen
  - Mutopia Project
  - Public Domain/Royalty Free Music
  - SoundCloud
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.

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/](http://umanitoba.ca/copyright/)
- Copyright Office [http://umanitoba.ca/copyright/](http://umanitoba.ca/copyright/)
- Creative Commons [http://search.creativecommons.org/](http://search.creativecommons.org/)
- Open access [http://libguides.lib.umanitoba.ca/oa-publishing](http://libguides.lib.umanitoba.ca/oa-publishing)
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• Use it fairly – keep it legal.
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Questions?