

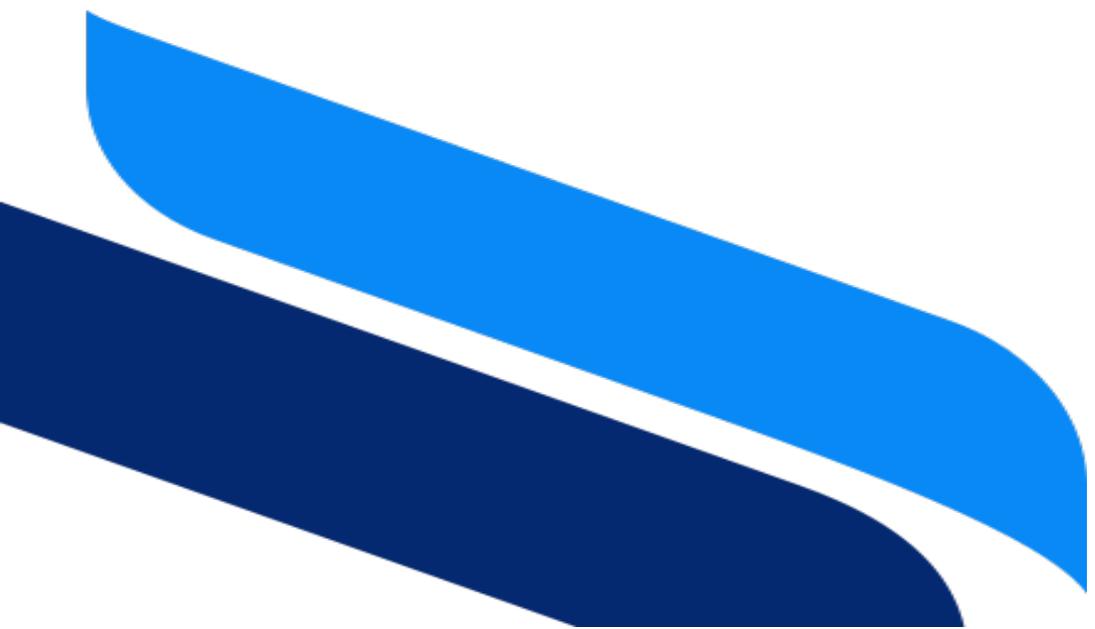
Grad *Steps*

FROM CAMPUS
TO CAREER



Copyright & Your Thesis/Practicum

What graduate students need to know



**University
of Manitoba**

Althea Wheeler
Copyright Strategy Manager
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Question:

Do you own any copyrights?



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What is copyright?

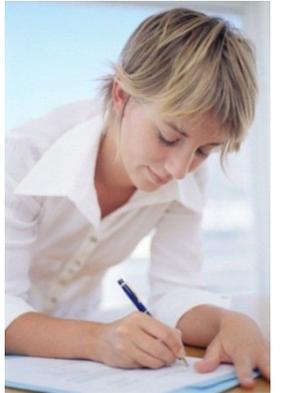
- Statutory right under the *Copyright Act*
- Copyright is the right of the copyright owner to control how a work (literary, artistic, dramatic, cinematographic, musical) is reproduced or made available to the public, and to request economic compensation
- Moral rights are reputational rights (association, 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.
- Work must be original and “fixed”
- Copyright law is territorial
- Apply Canadian law when copying in Canada

Universal copyright symbol ©

- 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.



Why should you care about copyright?

- Failing to comply with copyright = copyright infringement
 - If you want to make copies for research or to include in your thesis, you need to know about copyright
- Know when you need permission from a creator, or when a copyright exception like Fair Dealing may apply
 - Consider your own copyright in your thesis, and any publications



Copyright and Plagiarism

- Copyright and plagiarism can overlap → not the same thing
- Citing does not replace considering copyright
- 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](#)



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.



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

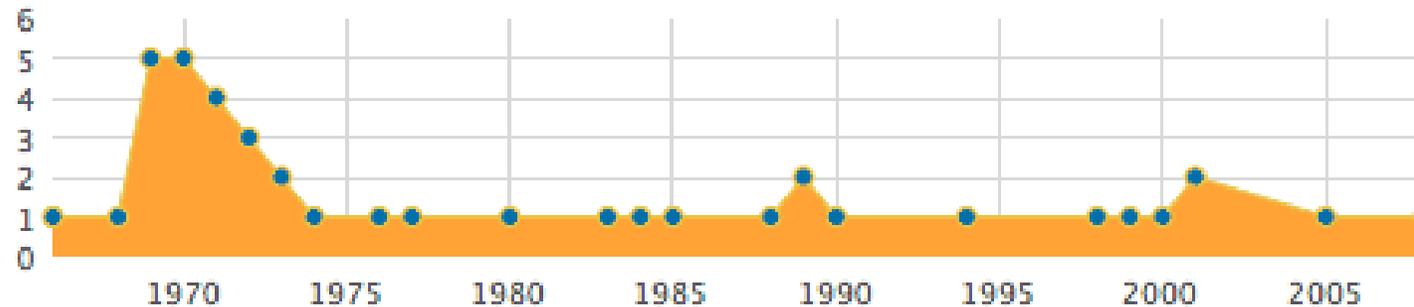


What does the Copyright Act allow you to do with ideas?

- Paraphrase in writing, 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

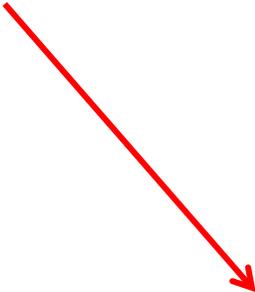


Graph



Table

Year	Editions Published
1970	5
1975	1
1980	1
1985	1
1990	1
1995	1
2000	1
2005	1
TOTAL:	12



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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 whether you believe your copying 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.



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 fair amount 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 is considered copyright-protected unless explicitly noted otherwise. This includes content on social media like Instagram and Facebook.
- Consider linking when using online content – a link is generally not considered to be a copy (but look for official posts or websites)
- 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.



What are some free to use resources?

Public Domain



Figure 12. Elliott and Fry.
"Rudyard Kipling".
Retrieved June 9, 2011.
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- Copyright is not perpetual - in general, copyright lasts for **70** years after the year of death of creator
 - Note: this term was recently extended from 50 years—in 2043 the 70 year period will take effect, and until then only works by creators that died in or before 1971 will be in the Public Domain
 - Copyright terms may be different for different types of works (ex, sound recordings)
- 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

- 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.
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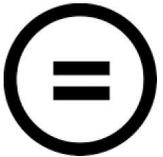
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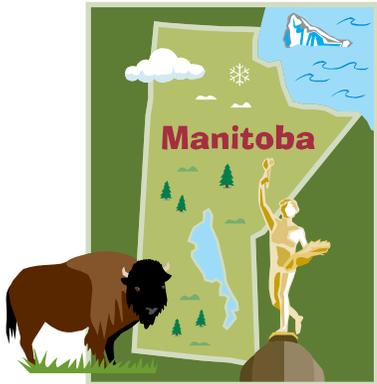
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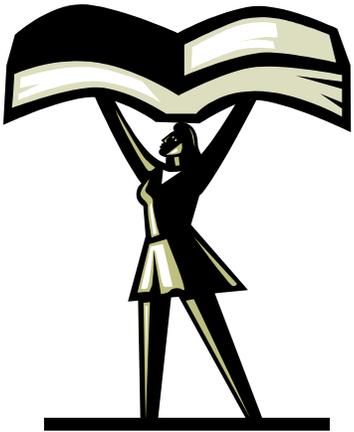
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- Consider whether you have any publishing requirements if you have grant funding for your research (Open Access requirements?)

Copyright and AI

- Copyright issues in addition to ethical issues
 - Is there a copyright in AI generated work?
 - Is training for generative AI tools copyright infringing?
 - Is generative AI output copyright infringing?
 - A number of pending lawsuits will help answer these question in US, informative in Canada
- Read terms and conditions – user bears risk?
- Some tools are trying to ensure they are non-infringing
- Currently AI tools may be helpful for inspiration, but have a number of legal uncertainties for using content



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

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 - Use fillable form on publisher's website.
 - Copy sample permission letter from [Copyright Office](#) website.
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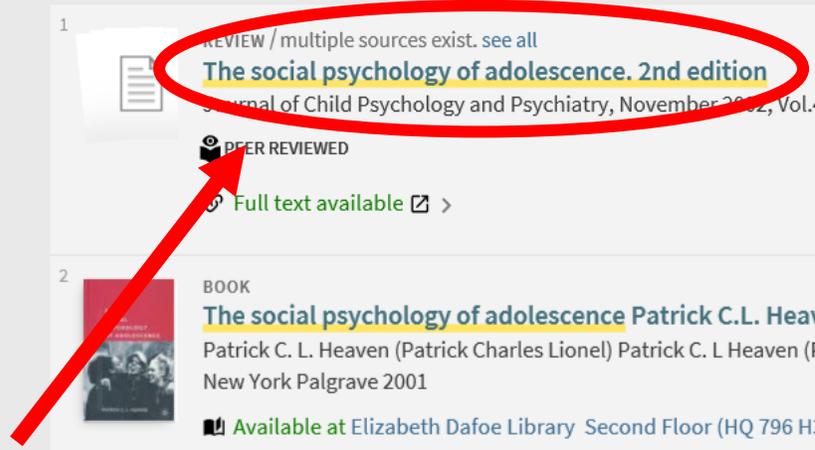
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By P. C. L. Heaven. Palgrave, Basingstoke, 2001 (first edition 1987). ISBN: 0-333-92165-8.

In *The social psychology of adolescence*, Patrick Heaven provides a comprehensive 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 the first edition, which was presumably re-titled to adequately reflect the large amount of new research. 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



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Publication: Journal of Child Psychology and Psychiatry
Publisher: John Wiley and Sons
Date: Oct 28, 2002
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Figure 9. Overall venue plan of National Exhibition Centre, Birmingham, UK.
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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,

30 of 120

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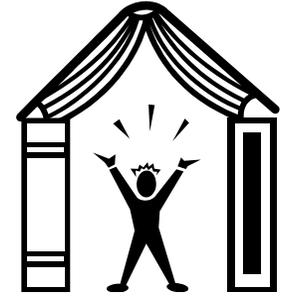


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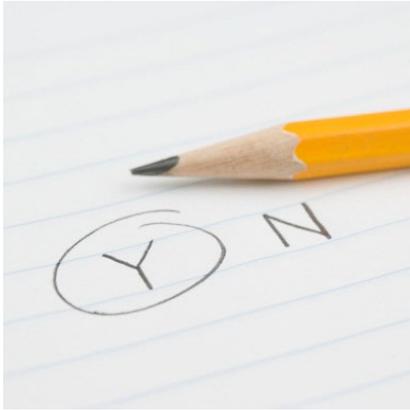


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