

Copyright Quiz

For Graduate Students



**University
of Manitoba**

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Welcome to the Copyright Quiz!

The Copyright Quiz is designed to test your copyright knowledge and to help you gain a better understanding of Canadian copyright law.

The information will be particularly beneficial if you are a UM graduate student working on your thesis.

This Copyright Quiz is for informational purposes only and is not intended to be legal advice.

Question 1

True or false?

If a work (for example, a photo, diagram, chart, or whole journal article) does not have the © copyright symbol, it's not protected by copyright and I can add it to my thesis.

Answer 1

False

In Canada, a work does not require the © copyright symbol to be protected. As soon as a work is in a fixed format (written or printed on paper, saved on a computer, posted to the web, painted on canvas, etc.), it's copyright protected. However, because the © copyright symbol is required in *some* countries, it's advisable to use it for your own works.

Question 2

True or false?

I can avoid obtaining copyright permission by modifying or adapting an existing work and using the modified version in my thesis.

Answer 2

False.

Only the copyright owner has the right to change a work. Adapting or modifying usually requires copyright clearance. Keep in mind that copyright protects the *expression* of an idea, not the idea itself. Therefore, creating your own **original** work based on an idea is acceptable – that's why more than one work on any given topic exists – but changing a work likely requires permission.

Question 3

True or false?

The [UM Copyright Guidelines](#) indicate that generally a copyright protected work such as a chart, graph, diagram, figure, drawing, photograph or map can be copied without permission for Fair Dealing purposes if the image makes up less than 10% of all the images in the article, book, or website that it came from.

Answer 3

True

Works such as charts, graphs, diagrams, figures, drawings, maps or photographs are considered complete, stand-alone works. Fair Dealing allows you to use a fair amount of a copyright protected work without getting permission. Canadian University guidelines typically define a fair amount as 10% or less of a whole work.

For example, if you would like to take 2 figures from an article which contains only 9 figures, that would likely NOT be fair, as there are not that many figures in the whole article compared to how many you would like to copy to your thesis.

As another example, if you wanted to copy 4 photos from a website that had hundreds of photos, you'd likely be allowed to copy them (4 would be a fair amount).

When using an image, check the ORIGINAL SOURCE of the image to see how many other images are in the website, article, book, etc. This will help you determine whether your use falls within the 10% range and is fair or not.

Remember that Fair Dealing is a larger, context specific, legal test and you should always consider all the circumstances when applying Fair Dealing.

Question 4

True or false?

If I express an idea or fact using my own words in my thesis, I'm not breaking copyright law.

Answer 4

True.

You have the right to paraphrase or express ideas and facts in your own words. Ideas and facts are not copyright protected – it's the *expression* in tangible formats of those ideas and facts that are protected by law. However, you're required to cite the source of the facts and ideas you express in your own words.

Question 5

True or false?

I can copy a small portion of text from a copyright protected work to my thesis without permission as long as I cite the source.

Answer 5

True.

You can copy a fair amount of text from a copyright protected work as long as you use quotation marks and include a citation.

Note that copyright clearance is required for copying an amount that is *more than fair* to your thesis. Fair is generally considered 10% or less of a work. Copying the integral or crucial portion of a work (for example, the entire conclusion of a journal article) might be considered unfair. If in doubt, obtain permission.

Question 6

True or false?

A work from the Public Domain (that is, where the copyright term has expired) can be used in my thesis freely and without permission, even if I want to use more than 10% of it.

Answer 6

True

Permission is not required to copy, adapt, or distribute works from the Public Domain. Keep in mind that publicly available in the library or on the web is not the same as Public Domain (no longer protected by copyright). The vast majority of material isn't in the Public Domain.

Most works are protected by copyright in Canada for the life of the creator plus 50 years, at which point the work enters the Public Domain. Although this rule may seem straightforward, confusion arises when the work is re-published. For example, Shakespeare's *Hamlet* in its original form is in the Public Domain, but copyright to the 2003 edition of *Hamlet* published by Penguin Books with critical essays and footnotes is held by that publisher.

Also remember that just because you can copy all of a Public Domain work, it doesn't mean that other considerations don't apply. Your academic and ethical obligations mean that you should always cite creators of Public Domain works, and it may not be acceptable to include large portions of someone else's work, rather than your own original work, in your thesis.

Question 7

True or false?

All Canadian government-issued publications are in the Public Domain.

Answer 7

False.

Government publications are not automatically in the Public Domain—they are protected by Crown Copyright. However, most federal government documents, judicial decisions, and some provincial legislation do not require permission for use in your thesis.

Some government works are clearly marked as being freely available for copying on certain conditions (for example, citation and non-modification). Check the source carefully to determine if permission is required for more than a fair amount. Note that even if permission is required, government offices rarely request copyright permission fees.

Question 8

True or false?

If a chart, photograph, or article is on a website, I can copy it freely to my thesis because everything on the web is free for the taking.

Answer 8

False.

The vast majority of material on the web is not free nor in the Public Domain (it has not been more than 50 years since the creator's death) and therefore might require permission before copying. First determine whether your use of a work is fair or not.

An alternative to copying or obtaining permission for a work on the web is to provide the URL with the citation in your thesis.

Question 9

True or false?

I can add my own previously-published work to my thesis because, as the author of the previously-published work, I own the copyright to it and can do what I want with it.

Answer 9

Possibly false (!)

Unless you negotiated with the publisher to retain copyright to your work, it's likely that copyright was transferred (assigned) to the publisher as part of your publishing agreement. Check your publishing contract carefully.

If copyright was transferred to the publisher, you must obtain permission to copy more than a fair portion of the work to your thesis. You will also need to cite your own work.

Question 10

True or false?

Canadian and U.S. copyright laws are the same.

Answer 10

False.

Copyright law in the United States is different than copyright law in Canada. For example, most works pass into the Public Domain 50 years after the author's death in Canada while the term is 70 years in the U.S. The differences between "Fair Use" in the U.S. and the "Fair Dealing" in Canada is another example. Fair Use is a broader concept than Fair Dealing, and not all Fair Use principles will apply in Canada.

It is important to keep in mind that U.S. works used in Canada for your thesis are subject to Canadian copyright rules. If you are researching copyright rules, make sure they are Canadian.

Question 11

True or false?

Copyright rules for the web are the same as copyright rules for printed materials.

Answer 11

True.

Material on the web is generally treated the same way as printed material. There are additional exemptions to the *Copyright Act* for using online materials.

When uncertain about copying or obtaining permission for works on the web, a good alternative is to include the URL to the work with a citation in your thesis instead. Providing a link directs to a work but does not make a copy of it.

Question 12

True or false?

Letters, emails, and messages posted to newsgroups or blogs are copyright protected.

Answer 12

True.

Most letters, emails and messages posted to newsgroups or blogs are considered literary works and are protected by copyright. An employer/company might own the copyright if the content was produced as part of someone's job.

Question 13

True or false?

Purchasing a book gives me the right to copy it, purchasing software gives me the right to share it, and purchasing a video gives me the right to show it where I want.

Answer 13

False.

Purchasing a copyright protected work (owning the physical object) does not give you the right to copy it, share it or show it wherever you want. Only the copyright owner has those rights.

Copyright is a type of intangible intellectual property—copyright ownership does not transfer with ownership of the physical object.

Question 14

True or false?

After I submit my thesis to MSpace, I require the University of Manitoba's permission before I can publish it.

Answer 14

False.

When you upload your thesis to MSpace you grant the University a non-exclusive licence. This licence gives permission to the University to use your thesis for specific non-commercial purposes, but you continue to own the copyright in your work and can choose to publish, post, reuse, etc., your thesis at your discretion.

However, if you decide to grant someone else a licence (like a publisher to publish your thesis), you must inform them about the license you have already granted to the University and that your thesis is publicly available online.

Question 15

True or false?

I need to apply to the Canadian government to have my thesis or other works officially copyright protected.

Answer 15

False.

Copyright protection is automatic upon creation. Your thesis or any of your other works do not have to be registered to be protected. Theses are not usually registered.

However, a registered work may be easier to present in Court if your copyright was violated. Note that there is a fee to apply for registration of copyright.

You do not need to register a work to use the © copyright symbol, and it is good practice to use the © copyright symbol as a reminder to readers that the work is copyright protected.

Question 16

True or false?

I can add more than 10% of the content from a work that has a Creative Commons licence to my thesis without obtaining permission first.

Answer 16

True

Any work that has a Creative Commons licence associated with it can be shared and distributed (even in whole) as long as you follow the terms of the Creative Commons licence.

Check the license terms carefully prior to use. Some works cannot be shared if you adapt or modify them, while some can even be used commercially.

Minimally the terms will require providing credit to the creator and a link to the Creative Commons licence for the work.

See the [Creative Commons website](#) for more information.

Question 17

True or false?

Obtaining permission to use a copyright protected work in my thesis is so expensive and time-consuming I shouldn't even bother.

Answer 17

False.

While there are exceptions, many publishers or rights holders grant permission to use copyright protected works in a thesis for free or for a low price. As well, many respond quickly to copyright requests sent via email or through their web-based forms.

Question 18

True or false?

When permission is required, I need the copyright owner's signature in ink before I can use the work in my thesis.

Answer 18

False.

Permission granted via email is acceptable; a signature in ink is not required. Store permissions in your files indefinitely. Note that oral permission is not adequate.

Question 19

True or false?

As a teaching assistant, I can distribute any amount of published articles, book chapters, etc., to my students without permission as long as it's for an educational purpose.

Answer 19

False.

The *Copyright Act* has allowances for educational purposes, including many that extend beyond Fair Dealing, but there are limits.

While the *Copyright Act's* Fair Dealing provision applies to educational use, the use still has to pass the fairness test. See the University's Copyright Guidelines from the [Copyright Office website](#) or contact the Copyright Office at um.copyright@umanitoba.ca to determine how much can be legally distributed (either digitally or on paper) for educational purposes.

Question 20

True or false?

The *Copyright Act* has all the rules you need to know to cite properly and not plagiarize.

Answer 20

False.

Copyright and plagiarism are related, but distinct issues.

Plagiarism and self-plagiarism are ethical issues concerning appropriate credit to others for their work, or to yourself for work you previously created. Citation styles and academic citation norms vary between disciplines.

Copyright is about the economic and reputational rights of creators to be compensated and credited for their work. The *Copyright Act* does not specify the style that credit should be given to creators.

As a copyright owner it would not be infringement for you to reuse your own work, however, reusing your work without crediting your prior work could have academic and ethical repercussions as self-plagiarism.

Question 21

Who can I ask if I need clarification or more copyright information?

Answer 21

Contact the University of Manitoba Copyright Office
at:

um.copyright@umanitoba.ca

204-474-7277/9607

203 Allen Building

<http://umanitoba.ca/copyright/>



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