

Copyright

What faculty & sessional instructors need to know



**University
of Manitoba**

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Things to consider when using © works

- [Use of Copyright Protected Materials Policy](#).
- Cite all works used (including clipart).
- Apply [Fair Dealing](#).
- Use [UM library](#) resources.
- Apply Canadian [Copyright Act](#) provisions.
- Use free or pre-paid stuff.



Fair Dealing



- The *Copyright Act* does not specify what is “fair” – interpretation comes from case law.
- Universities Canada helped educational institutions clarify what is fair.
- 10% of a work is the industry standard.

Fair Dealing Guidelines by Universities Canada

- Based on
 - copying purpose (education, research, private study, satire, parody, criticism, review, news reporting)
 - copying fairness (amount & character of copying, alternatives to copying, nature of original, effect on market).
- Applies to
 - content in all formats (text, audio, visual)
 - distributing paper copies to students
 - adding copies to library reserve
 - emailing scanned copies to students
 - posting scanned copies to UM Learn. Does not apply to a Wiki, blog, personal webpage, Facebook, Dropbox, or publicly accessible online space.
- Allowed to copy a “short excerpt”.

What is a short excerpt?

The largest amount from the following:

- Up to 10% of a work (including literary work, musical score, sound recording, audiovisual work)
- One chapter from a book
- One article from a periodical
- An artistic work (photograph, painting, print, diagram, drawing, map, chart, plan) from a work containing other works
- One newspaper article or whole page
- One poem or musical score from a work containing other poems or scores
- One entry from encyclopedia, annotated bibliography, dictionary, etc.

More about Fair Dealing

- Share a work with non-UM colleagues for collaborative research (unless the work is from the UM Libraries with a restrictive licence).
- For educational purposes, copy up to 10% of an AV work using a recording device (iPhone, camcorder, screen capture software).
- Permission *may* be needed to copy a work's integral portion (e.g., a song's refrain, a film's climax).
- Permission is *probably* needed for streaming an AV work on a server.
- Analyse Fair Dealing contextually on a case-by-case basis.

- When giving assignments that require students to upload copyrighted material to UM Learn, inform them about Fair Dealing.

Library licence agreements for e-resources

- May copy more images or PDFs than Fair Dealing allows **depending on the e-resource license.**
- See licence terms under “View It” in the library record (liberal vs restrictive).
- Post to UM Learn?
 - **Course Pack / Software Permitted:** copy images or PDFs in accordance with licence terms.
 - **Course Pack / Software Prohibited:** permalink to content unless linking is also prohibited.
 - **Fair Dealing Clause Yes:** Confirm with library what Fair Dealing clause allows.
- [Contact your liaison librarian](#) for help with licences, permalinks, image databases, subject guides, etc.

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 movie videotaped from inside theatre).
- Don’t break digital locks (technical protection measures/TPMs).
- **If there are no terms of use**, copy content or play the video/audio in class.
 - YouTube video can be embedded in UM Learn or a file (except illegally posted content).
- **If terms of use are restrictive**, apply Fair Dealing or use URL.

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.



More about the *Copyright Act*



- Play physical copies of **legally-acquired** music or films/videos in class for non-profit, educational purposes.
 - You must confirm that streaming service (Netflix, Apple Music, etc.) terms permit public performance of music/videos before showing them in class for non-profit, educational purposes.
 - Most streaming services allow personal, non-commercial use only.
- Create and share a new work (e.g., mash-up of video chunks, musical remix, collage of images) using publicly-available works based on **user-generated content provision**. Must cite, be non-commercial, have no adverse effect on existing works, etc.
- Your creation must be substantially different than the existing works. Remember that *permission may be required to modify or adapt a work*.



Use free or pre-paid stuff

URL or permalink	Public domain (usually 50 years after death)
 creative commons (check CC licence)	OPEN  ACCESS (see library info)
Library journals, databases & other e-resources such as <i>ClinicalKey</i> (images, figures, videos, articles, books, etc.)	All Canadian federal government works (unless noted otherwise such as consultant reports)
Bing Images / Google images (apply Fair Dealing or limit by usage rights)	Open Government / OpenData
Internet Archive	Library and Archives Canada

More resources

Educational Materials	Journals
Open Ed Manitoba	Directory of Open Access Journals
BC Campus Open Ed	Electronic Journals Library
JISC OER	PubMed Central
MERLOT	Books
National Science Digital Library	
OER Commons	Open Library
Open Street Map	Directory of Open Access Books
Wikipedia	Librivox
Wikimedia	Project Gutenberg
Wikimedia	Project Gutenberg Canada
Open Culture	US Library of Congress

More resources

Images	Art/Comics
Public Domain Review	The Met
The British Library	Wellcome Images
Creative Commons Search	Europeana
Flickr: The Commons	Art Institute of Chicago
Wikimedia Commons	Music
Pixabay	Jamendo
Freeimages.co.uk	Freeplay Music
Clker.com	Musopen
Pics4Learning	Mutopia Project
Bigfoto	Public Domain/Royalty Free Music
Unsplash	Hooksounds

More options

- Provide citation/reference to students and ask them to find the work independently.
- Add book/journal or copies of chapter/article to library reserve.
- Contact [BookStore](#) staff to create a course pack.
- Adopt a textbook.

Conferences



Public Speaker by
wilkinsm@gmail.com.
<https://openclipart.org/detail/218641/title>

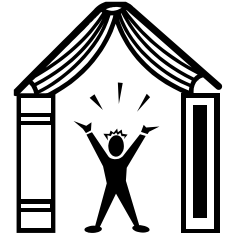
- Apply the UM Copyright Guidelines to a conference that takes place on the UM campus with an audience consisting primarily of UM students and faculty
- Apply the copyright laws of the country you are presenting in
 - Do not apply UM Copyright Guidelines or Canadian law to conferences that take place 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

For graduate students working on theses

- Copyright information sessions are offered every fall and spring. See [GradSteps](#) for details.



Managing your own copyright



- UMFA members own copyright to their course notes, exams, articles, etc. See [UMFA collective agreement](#).
- You may add a statement to your syllabus/teaching slides. Example:

© YEAR. Electronic or hard copy distribution of this content in part or in whole is strictly prohibited without the written permission of NAME OF PROFESSOR.
- 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.

What now?

- Add citations to all copyrighted works used in teaching.
- Review the material in your UM Learn courses (library articles, book chapters, reports, etc.) to ensure copyright compliance

OR

- Contact Tobe.Duggan@umanitoba.ca for the Copyright Solutions service. Tobe will review your concerns, provide advice, help you find copyright-friendly resources, clear copyright when necessary, etc.



Top 10 Copy Wrongs

1. Oops, I forgot to cite the images in my presentation slides.

2. I copied the PDF of an article from a library journal without first checking the licence.

3. I scanned 3 chapters of a book and uploaded them to UM Learn.

4. I copied lots of photos from Google Images/Bing Images into my slides.

5. I use Facebook to share course work because students like Facebook.

Top 10 Copy Rights

1. Academic staff (and students) must include credits for chapters, photos, tables, figures, etc. - even clipart.

2. Check to see if course software is permitted, or use the permalink.

3. Copy no more than a fair amount (e.g. 10% of a work, or a full chapter/article).

4. Apply Fair Dealing to images or check website terms of use.

5. Use only UM Learn.

Top 10 Copy Wrongs

6. I modified a photo that I found on the web by cropping out half of it.

7. I linked to an ebook posted by Pirates-R-Us so my students can get it for free.

8. I brought my personal burned DVD version of *The Revenant* to show my history students.

9. I uploaded the publisher version of my article to my personal UM website.

10. I want to print my own course pack and sell it to my students at cost.

Top 10 Copy Rights

6. Only modify images which come with permission to make adaptations.

7. Link to legitimate resources only.

8. Use only legally-acquired resources.

9. Check the publisher agreement to see allowances before uploading anywhere.

10. Provide course packs through the BookStore.

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
- UM Intellectual Property policy
http://umanitoba.ca/admin/governance/governing_documents/community/235.html
- 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.



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