

# Copyright and Researchers

Pitfalls and potholes to avoid



**University  
of Manitoba**

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# 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/> 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
  - 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





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





# Use free or pre-paid stuff

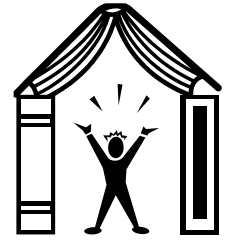
URL or permalink	<a href="#">Public domain</a> (usually 50 years after death)
 <b>creative commons</b> ( <a href="#">check CC licence</a> )	OPEN  ACCESS ( <a href="#">see library info</a> )
Library journals, databases & other e-resources such as <i>ClinicalKey</i> (images, figures, videos, articles,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

# More resources

Educational Materials	Journals
<a href="#">Open Ed Manitoba</a>	<a href="#">Directory of Open Access Journals</a>
<a href="#">BC Campus Open Ed</a>	<a href="#">Electronic Journals Library</a>
<a href="#">JISC OER</a>	<a href="#">PubMed Central</a>
<a href="#">MERLOT</a>	<b>Books</b>
<a href="#">National Science Digital Library</a>	
<a href="#">OER Commons</a>	<a href="#">Open Library</a>
<a href="#">Open Street Map</a>	<a href="#">Directory of Open Access Books</a>
<a href="#">Wikipedia</a>	<a href="#">Librivox</a>
<a href="#">Wikimedia</a>	<a href="#">Project Gutenberg</a>
<a href="#">Open Culture</a>	<a href="#">Project Gutenberg Canada</a>
	<a href="#">US Library of Congress</a>

# More resources

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



# 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](mailto: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](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](http://umanitoba.ca/admin/governance/governing_documents/community/235.html)
- UMFA Collective Agreement  
[http://umanitoba.ca/admin/human\\_resources/staff\\_relations/academic/UMFA.html](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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<http://umanitoba.ca/copyright>

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