Copyright & Your Thesis/Practicum
What graduate students need to know
Traditional Territories Acknowledgment

The University of Manitoba campuses are located on original lands of Anishinaabeg, Cree, Oji-Cree, Dakota, and Dene peoples, and on the homeland of the Métis Nation. We respect the Treaties that were made on these territories, we acknowledge the harms and mistakes of the past, and we dedicate ourselves to move forward in partnership with Indigenous communities in a spirit of reconciliation and collaboration.
Question:
Do you own any copyrights?
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
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.

• Owners have the right to control their work and benefit financially from it.

• [UM Intellectual Property policy](#)
Why should you care about copyright?

- Failing to comply with copyright = copyright infringement
  - Copyright infringement can have legal and reputational consequences
  - If you want to make copies for research or to include in your thesis, you need to know the copyright rules

- 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
- 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**
- Keep in mind that citing does **not** replace obtaining copyright permission
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.
• © symbol is required in **some** countries.
• © symbol is recommended because it serves as a notice to readers that a work is copyright protected.
What to consider when using © works in a thesis/practicum?

- The *Copyright Act* and its exceptions.
- Use of Copyright Protected Materials Policy.
- Free to use or pre-paid content.

- Instructors and TA’s should also consider the UM Copyright Guidelines and library electronic resources.
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

Lightbulb by TeroVesalainen, retrieved from https://pixabay.com/photos/thought-idea-innovation-imagination-2123970/ is used under Pixabay License.
What does the **Copyright Act** allow you to do with ideas?

- Take your own photograph (within limits) 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.
“Publishing History for Fondue” by George Oates retrieved from https://www.flickr.com/photos/george/4271787161/ is available under Creative Commons Attribution-NonCommercial-NoDerivs 2.0 Generic License.
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Based on: "Publishing History for Fondue" by George Oates retrieved from https://www.flickr.com/photos/george/4271787161/ is available under Creative Commons Attribution-NonCommercial-NoDerivs 2.0 Generic License.
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.

• Avoid sites where content is obviously posted illegally (e.g., a movie taped inside a theatre, or scanned images posted by “PirateDood”).

• Consider linking when using online content – a link is generally not considered to be a copy.

• 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.

Image by Gerd Altmann retrieved from https://pixabay.com/illustrations/email-keyboard-computer-copyright-826333/ is used under Pixabay License.
What are some free to use resources?

Public Domain

- 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)
- 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

- If a public domain work is re-published with new content, that new version is copyrighted. Shakespeare’s *Hamlet* published with a preface, critical essays and margin notes in 2001 by Penguin Books is copyrighted by that publisher.

- 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.
Creative Commons is an organization committed to sharing works
- promotes collective ownership of knowledge
- bridges gap between full copyright and public domain.

Good for users of other people’s works and creators of original works
- you can copy any Creative Commons work to your thesis/practicum, but don’t modify it unless the licence allows you to.
- you can choose to waive or limit copyright in your own work, you can choose a licence easily and for free, and reserve some rights.

See the Creative Commons website for more information.

Caution: you must follow terms of a Creative Commons license, and the license must have been applied by the copyright owner.
Components of a CC Licence

BY (Attribution)
- Attribution to the creator of the resource is required and you must indicate if you have made any changes when reusing the resource

NC (Non-Commercial)
- The resource can only be used non-commercially by users. The creator can still use the resource commercially or may allow others to use the resource commercially with their permission

SA (Share Alike)
- If you remix (incorporate into a new work), modify, or alter the resource, you must share the new resource under the same CC licence as the old one
  - If you remixed a SA resource, your new creation needs to be SA licensed as well

ND (Non-Derivative)
- If you remix, modify, or alter the resource, you cannot share the modified version
Attribution-NonCommercial-NoDerivs 2.0 Generic (CC BY-NC-ND 2.0)

This is a human-readable summary of (and not a substitute for) the license. Disclaimer.

You are free to:

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No additional restrictions — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.
# Free to use resources

<table>
<thead>
<tr>
<th>Educational Materials</th>
<th>Journals</th>
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<tr>
<td>Open Ed Manitoba</td>
<td>Directory of Open Access Journals</td>
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<td>BC Campus Open Ed</td>
<td>Electronic Journals Library</td>
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<td>JISC OER</td>
<td>PubMed Central</td>
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<td>MERLOT</td>
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<td>National Science Digital Library</td>
<td>Open Library</td>
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<td>OER Commons</td>
<td>Directory of Open Access Books</td>
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<td>Open Street Map</td>
<td>Librivox</td>
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<tr>
<td>Wikipedia</td>
<td>Project Gutenberg</td>
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<td>Wikimedia</td>
<td>Project Gutenberg Canada</td>
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<tr>
<td>Open Culture</td>
<td>US Library of Congress</td>
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# More free to use resources

<table>
<thead>
<tr>
<th>Images</th>
<th>Art/Comics</th>
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<tr>
<td>Public Domain Review</td>
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<td>Creative Commons Search</td>
<td>Europeana</td>
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<td>Flickr: The Commons</td>
<td>Art Institute of Chicago</td>
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<td>Wikimedia Commons</td>
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<td>Pixabay</td>
<td>Jamendo</td>
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<td>Freeimages.co.uk</td>
<td>Freeplay Music</td>
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<td>Pics4Learning</td>
<td>Mutopia Project</td>
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<tr>
<td>Bigfoto</td>
<td>Public Domain/Royalty Free Music</td>
</tr>
<tr>
<td>Unsplash</td>
<td>Hooksounds</td>
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</tbody>
</table>
Government Works

- Copy a complete Canadian federal government work (unless noted otherwise, e.g., consultant report) – typically just need to not modify the source, attribute and not imply federal government endorsement.
- US federal government works are public domain in the United States, but may be subject to copyright in Canada. US federal government usually treats works as Public Domain in Canada.
- Manitoba now has an OpenMB Information and Data Use License – allows copying, modifying, etc, if you acknowledge the source, include attribution statement, link to licence. Includes standard attribution statement.
- However, you need permission to copy more than a fair amount (more than 10%) of most state, provincial or municipal government publication. However, it is unlikely you will be refused or be required to pay a fee.
Your own work

- Before copying your own previously or soon to be published work into your thesis/practicum, **ensure that your publisher allows this** (e.g., for a sandwich thesis/practicum).

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

- Consult with your advisor and/or the [Faculty of Graduate Studies](#) about a sandwich thesis/practicum.
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

- Prepare request in writing (verbal agreement is not sufficient).
  - Check online article for a link to obtain permission (e.g., RightsLink is often used by publishers).
  - Use fillable form on publisher’s website.
  - Copy sample permission letter from Copyright Office website.
  - Use your own wording, including full citation information and intended use (thesis/practicum, conference, non-profit, etc.).

- Response is usually, but not always, quick (instant to 1 month+).
The social psychology of adolescence, 2nd edition
The social psychology of adolescence, 2nd edition

Full text available: CRKN Wiley Online Library
Available from 1997

Public notes:
University of Manitoba authorized users have the ability to share some full-text articles with non-subscribers. This feature is available for only some journals across the Wiley portfolio. From the HTML view of the full article, click on the “Share” icon in the top right-hand corner. If the journal is part of the content sharing program, you will see an option to ‘Get Link’.

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Available from 1998 until 2003

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Available from 1966
Most recent 1 year(s) not available

Full text available: WRHA-EBSCOhost Psychology and Behavioral Sciences Collection
Available from 1998
The social psychology of adolescence. 2nd edition.

First published: 28 October 2002 | https://doi.org/10.1111/1469-7610.02372


In The social psychology of adolescence, Patrick Heaven provides a detailed 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 version of his well-received first edition, presumably re-titled to adequately reflect the large amount of new research that has appeared in the intervening years. 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 reading for those completing research in adolescence.
Quick Price Estimate

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• Keep permission letters for your files.

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Permission statements

• There are no laws about how to create a “used with permission” statement. Use your department’s style (APA, MLA, Chicago, Turabian, CSE, etc.).

• Include a “Used with permission” statement with the work used, and/or with the list of references/citations.
“Used with permission” statement

• Follow the copyright owner’s instructions for a “used with permission” statement, or create a statement similar to this:

  Author (year). Title of image / article / work. Title of Journal / Book, volume (issue), page. Used with permission.

• For your own works:

  © 2019 Althea Wheeler
Permission not granted

- Consider whether copyright exemptions allows use of the copyright protected work in your thesis/practicum **for your defense only**, then delete or cover up the work using Paint or Adobe Acrobat for the final official version.
  - Ensure you have a citation for each work.
  - To keep your slides “clean”, include all citations on the last slide.

- If deleting copyrighted works in your thesis/practicum, watch the pagination and table of contents!
This item has been removed due to copyright issues. To view it, refer to its source.

Figure 9. Overall venue plan of National Exhibition Centre, Birmingham, UK
Source from: http://www.necgroup.co.uk/visitor/thenecc/

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,
Mspace and your final thesis/practicum

• While the MSpace licence allows the UM to reproduce and distribute your thesis/practicum, you retain copyright and moral rights to your thesis/practicum.

• For questions about MSpace, contact Wendy Prystenski at Wendy.Prystenski@umanitoba.ca or 204-474-7895.

• For questions about your thesis/practicum and forms to submit, contact FGS at 204-474-9377 or graduate_studies@umanitoba.ca.
FIPPA, identity theft and your thesis/practicum

• Comply with FIPPA – keep personal information out of thesis/practicum.
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  • home address
  • personal e-mail address.

• Help prevent identity theft – keep signatures out of thesis/practicum.
• Delete, cut (ctrl+x) or black out any personal information or signatures that appear in your thesis/practicum prior to publishing it to MSpace.
Managing your own copyright

- For a collaborative work, consider a written agreement which will clarify copyright.
  - Copyright is owned jointly.
- Check your publisher contract before distributing or uploading your published work.
- See SHERPA/RoMEO for publishers’ copyright policies.
- Read your publisher contract carefully and save it for your files.
Test your copyright knowledge

• Take the [Copyright Quiz](#) available from the Copyright Office website.
Sample theses/practicums in MSpace

Sandwich thesis with permission statement
Webber thesis  p. 2, 30, 31, 55, 56
http://hdl.handle.net/1993/3976

Landy thesis, p. xxv, 75, 124, 159, 208
http://hdl.handle.net/1993/31170

Shan thesis  p. x, 7, 81, 121, 157
http://hdl.handle.net/1993/4271

Sample “Adapted with permission” statement
Douville thesis  p. 21
http://hdl.handle.net/1993/2807
Sample theses/practicums in MSpace

Sample “Based on” statement
Odoh thesis p. 35
http://hdl.handle.net/1993/14408

Sample statement acknowledging your own work
Douville thesis p. 8
http://hdl.handle.net/1993/2807
Sample theses/practicums in MSpace

Sample statement about co-authorship

*Das thesis* p. iii
http://hdl.handle.net/1993/3895

Sample statement about pending publication

*Li thesis* p. 12, 58
http://hdl.handle.net/1993/293
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- Provide information about copyright (images in thesis/practicum, fairness, permission, etc.).
- Help you determine allowable uses.
- Help you find Creative Commons or free resources.
- Help you with publishing information (what is copyright assignment, can you publish your thesis/practicum, etc.).
Remember, use it fairly – keep it legal

• Questions?