Grad Steps
FROM CAMPUS TO CAREER
Copyright & Your Thesis/Practicum

What graduate students need to know
This presentation is for informational purposes only and is not intended to be official legal advice. Images used with permission from Microsoft unless otherwise noted.
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
• 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 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
• Citing does not replace obtaining copyright permission
• 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.
<table>
<thead>
<tr>
<th>Year</th>
<th>Editions Published</th>
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<tbody>
<tr>
<td>1970</td>
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<td><strong>TOTAL:</strong></td>
<td><strong>12</strong></td>
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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.
• 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.

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
  • 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](https://www.gutenberg.ca) and [Project Gutenberg](https://www.gutenberg.org) and [Wikipedia: Public Domain Resources](https://en.wikipedia.org/wiki/Public_domain)
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.

• 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.
• **Creative Commons** is an organization committed to sharing works
  • bridges gap between full copyright and public domain.
• See the [Creative Commons website](http://creativecommons.org) for more information.
• Increasingly used in Open Access publications
  • May have funding obligations to publish Open Access
  • May reuse Open Access materials under a Creative Commons license
• Caution: to use a Creative Commons work 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 (NonCommercial)
• 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 (ShareAlike)
• 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 (NoDerivatives)
• 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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The licensor cannot revoke these freedoms as long as you follow the license terms.

Under the following terms:

- **Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

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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.
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<th>Search using:</th>
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<th>Europeana</th>
<th>Flickr</th>
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<td>Open Clip Art</td>
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<td>Sketchfab</td>
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<td>Vimeo</td>
<td>Video</td>
<td>Wikipedia Commons</td>
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<td>Openverse</td>
<td>Thingiverse</td>
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## Free to use resources

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<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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<td>Wikipedia</td>
<td>Project Gutenberg</td>
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<td>Wikimedia</td>
<td>Project Gutenberg Canada</td>
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<td>Open Culture</td>
<td>US Library of Congress</td>
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More free to use resources

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<tr>
<th>Images</th>
<th>Art/Comics</th>
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<tr>
<td>Wikimedia Commons</td>
<td>10 Cartoonists That Allow Using Their Web Comics for Free</td>
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<tr>
<td>The British Library</td>
<td>Digital Comic Museum</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>Pexels</td>
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<td>Pixabay</td>
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<td>Freeimages.co.uk</td>
<td>Freeplay Music</td>
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<td>Clker.com</td>
<td>Freesound</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>
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<td>Unsplash</td>
<td>Unminus</td>
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**Music/Sound Effects**
Government Works

- Government works have Crown Copyright – right to copy not treated uniformly throughout Canada.
- Some jurisdictions (Federal, Manitoba) have open licenses (similar to CC) which allow you to reuse works with certain conditions (acknowledging source, attribution statement, link to license)
- Most Federal Canadian government works can be copied unless noted otherwise (ex. a 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.
  - However, you need permission to copy more than a fair amount of many state, provincial, or municipal government publication. However, it is unlikely you will be refused or be required to pay a fee.
Your own work

• Read any publishing agreements carefully and remember that your thesis will be publicly available on MSpace—your publisher needs to know.

• Before copying your own previously or soon to be published work ensure that your publisher allows this (is there an embargo?)

• 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

- 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
Full text available at: **Wiley Online Library**
Available from 1990 to 2003

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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 offers 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 version of the first edition, presumably re-titled to adequately reflect the larger and more comprehensive scope of 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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- For your own works:
  © 2023 Althea Wheeler
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  • 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!
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 Research Services & Digital Strategies, libraryresearchservices@umanitoba.ca

• 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.
  • home telephone number
  • 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 (jointly owned by authors)
• Read your publisher contract carefully and save it for your files.
• See SHERPA/RoMEO for publishers’ copyright policies.
• If you want to publish material from your thesis after it is available on MSpace make sure your publishing agreement permits this
  • Disclose to publishers that your work is already publicly available on MSpace, etc.
  • Retroactive embargos are not routinely granted
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
• Questions?

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