

# Fighting Copyright Chill in Canada: Using OER to Educate and Empower Librarians



**Amanda Wakaruk, Copyright Librarian, University of Alberta  
OLA Super Conference, February 2, 2018**



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# Copyright Chill

In a legal context, chill is the inhibition or discouragement of the legitimate exercise of an individual's rights by the threat (perceived or otherwise) of legal sanction.

- [Copyright Act](#)
  - 1 - [Short Title](#)
  - 2 - [Interpretation](#)



» thestar.com «

News • GTA

## York University loses legal fight over copyright fees after federal court ruling

The federal court has ruled against York in its legal dispute with Access Copyright, a collective that has provided institutions access to a pool of protected intellectual work.

- 22 - [Reciprocity](#)

SUPREME COURT OF CANADA

## CCH Canadian Ltd. v. Law Society of Upper Canada, 2004 SCC 13, [2004] 1 SCR 339 [and Exceptions to](#)

[See full case on CanLII](#)

- 43 - [Accession](#)
- 29 - [Fair Dealing](#)

Your ISP has forwarded this notice to you pursuant to provisions of the Canada Copyright Act.

In Canada, the unauthorized copying, performance, and/or distribution of Rights Owner's Work is illegal and is subject to civil sanctions (with statutory damages of up to \$5,000 or non-statutory damages that could be higher) and/or criminal sanctions, and is a violation of the Canada Copyright Act (R.S.C., 1985, c. C-42). The recent amendments to the Copyright Act, which came into force on November 12, 2012, have confirmed Rights Owner's right to have its copyright protected in Canada.

Moreover, such copying, performance and/or distribution of unauthorized works may also violate (i) the Berne Convention for the Protection of Literary and Artistic Works, (ii) the Universal Copyright Convention, (iii) bilateral treaties with other countries (including Canada), and/or (iv) the copyright laws of Canada.

If you have questions about your legal rights, you should consult with your own legal counsel (i.e., barrister, solicitor, lawyer, and/or attorney).

# Opening Up Copyright Instructional Modules Project

## Basics

- Teaching and Learning Enhancement Fund (2017-2020): technical assistance; graduate student(s)
- Principal Investigator: Professor Michael McNally, SLIS, University of Alberta
- Collaborative project: SLIS / CRO / CTL / copyright community

## Principles

- learning about law should be accessible
- higher education should be accessible / LIS should be open
- need to fight copyright chill, institutional risk avoidance
- OE builds capacity, reduces barriers

## Goals

- enhance the quality of copyright instruction within SLIS courses
- enhance copyright education for staff, students, and faculty across UA
- develop resources that can be adapted and used by other institutions



# Open Educational Resources (OER)

**OER** are freely accessible, openly licensed (e.g., CC BY or CC BY NC) text, media, and other digital assets that are useful for teaching, learning, and assessing as well as for research purposes. [https://en.wikipedia.org/wiki/Open\\_educational\\_resources](https://en.wikipedia.org/wiki/Open_educational_resources)



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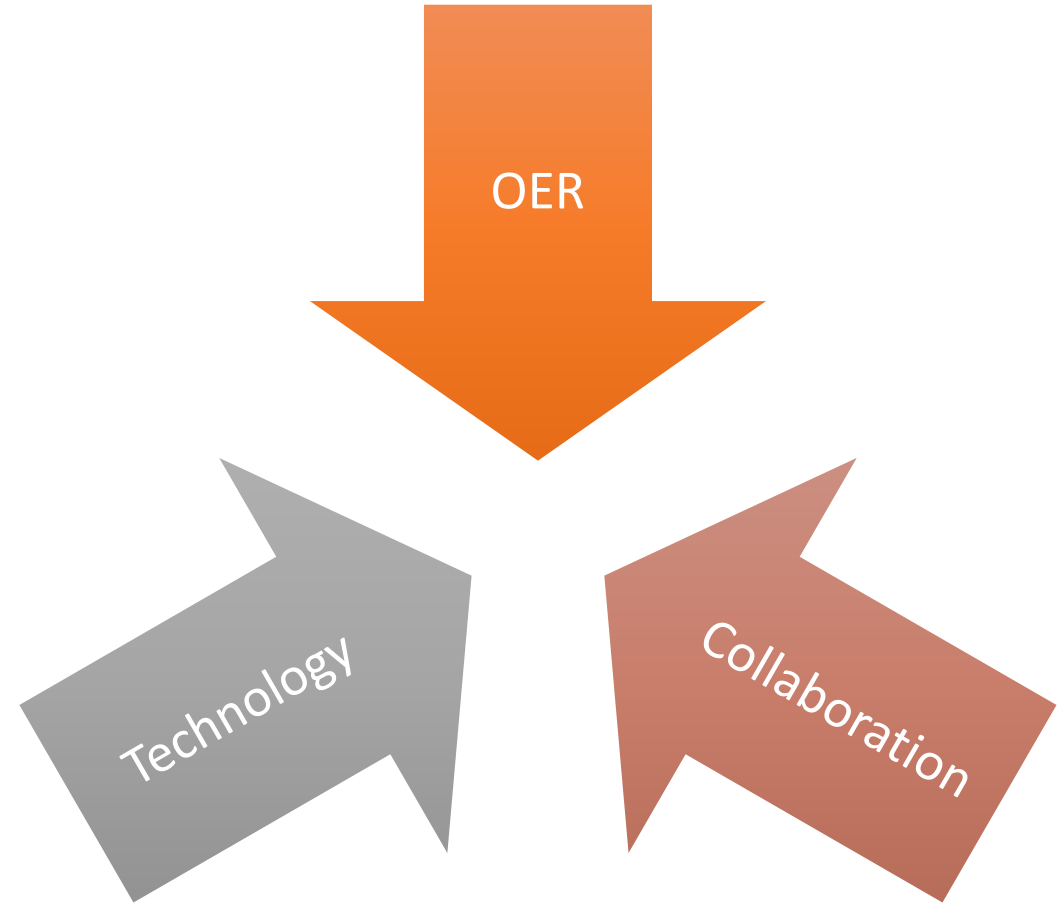
Forks/Barriers/Decision Elements			
	Closed	Mixed	Most Open
License	Copyright/all rights reserved	Less Open CC License Terms (NC/ND and arguably SA)	CC-BY License
Accessibility Formating	Not formatted for accessibility	Some accessibility formatting (e.g. closed captioning)	Fully accessibly (e.g. compliance w/US HHS 508)
Language	Single Language (usually English)	Bi-lingual or includes guides/steps for translation	Multi-Lingual or includes guides/steps for translation and is bilingual
Cost (of supporting resources)	Paid resources	Licensed library resources	Openly Licensed Resources
Assessment	No assessment available	Self-assessment, but not meaningful (questions only)	Meaningful self assessment (questions and answers)
Distribution	Closed/availalbe only to insiders (e.g. via LMS)	Open but low discoverability (e.g. institutional repository)	Open and high discoverability (e.g. YouTube or broadly availalbe repository)
File Format	PDF or other non-editable format	Editable format but proprietary software (e.g. Word)	Fully open format (e.g. html)
Cultural Considerations	No consideration for outside cultural users/includes culturally specific materials/content	Some considerations for outside cultural users	Generally devoid of culturally specific material

McNally and Christiansen (Work in Progress). See also, Christiansen and McNally, Open Enough? Choices and Consequences When Transitioning From Closed to Open Resources and Courses. 2017-10-12  
<http://hdl.handle.net/11205/352>



# From vision to reality: Compromises

- Technology
  - Engaging enough; more resources to produce narrative-based content
  - Open enough; ease of distribution and reuse
- Content depth and audience
- Expectations and collaboration



# Images Module – Using GoAnimate (not quite open enough)

- Animation tools assist with developing a narrative structure
- H5P overlay used for linking and test questions
- Test questions are interactive; automated for demonstration only
- First cut: need to fix typos, some phrasing



# Public Domain Module – Using Camtasia and PPT (engaging enough?)



- Easy to convert existing content to module template, provide case studies
- H5P overlay used for linking and test questions
- Test questions are interactive; automated for demonstration only
- First cut: need to fix typos, some phrasing



Copyright OER Tutorial Module Map				
Level 1: Navigational	Level 2: Lenses	Level 3: Issues	Level 4: Scenarios	Level 5: Legislation and Jurisprudence
Introduction to the Copyright OER Project	Creating Materials	Including Third Party Content in Your Work	Asking Permission	s. 2 & 5 (Definitions and Works in which Copyright may Subsist)
Glossary	Using Materials	Disseminating Your Work	Insubstantial Copying	s. 3 (Copyright in Works)
	Foundations, Theories and Context	Infringement	Fair Dealing	s. 6, 7-9 (Term of Copyright)
	Current Canadian Context	Audio and Video	Public Domain	s. 12 (Crown Copyright)
		Images	Finding Open/Creative Commons Content	s. 11 (Ownership of Copyright)
		Other Types of Intellectual Property	Choosing Open/Creative Commons Licenses	s. 14.1 to 14.2 (Moral Rights)
NOTE: <a href="#">hyperlinking between modules and across levels</a>		Moral Rights	Traditional Knowledge and Copyright	s. 15 & 18 (Performers Rights and Copyright in Sound Recordings)
		Educational Institutions Policies and Practices	Publishing Agreements	s. 27 (Infringement)
		Libraries, Archives and Museums	Technological Protection Measures/Digital Locks	s. 28.1 to 28.2 (Moral Rights Infringement)
		Open Licenses and Creative Commons	Technological Neutrality	s. 29 to 29.2 (Fair Dealing)
		International Copyright Cooperation	Public Copiers and Scanners	s. 29.21 (Non-commercial User-generated Content)
		History of Copyright Law	Inter-Library Loans	s. 29.22 to 29.24 (Other Personal Exceptions)
		Theoretical Foundations for Copyright	Makerspaces	s. 29.4 to 30.04 (Educational Exceptions)
			Copyright and Risk Management	s. 30.1 to 30.4 (Library, Archives and Museums Exceptions)
			Collective Licensing and The Copyright Board	s. 34 to 39 (Civil Remedies)
			License Terms and the Copyright Act	s. 41 (Technological Protection Measures)
			The Berne and TRIPS Agreements	s. 42 (Criminal Remedies)
			WIPO Treaties	s. 64 (Copyright and Industrial Designs)
			Other International Agreements	s. 66 (The Copyright Board)
			Notice and Notice Regime	s. 67 to 76 (Collective Licensing Agencies)
				s. 77 (Orphan Works)
				CCH (Fair Dealing)
				CCH (CCH and Library Practice)
				SOCAN v. Bell
				Alberta (Education) v. Access Copyright
				Ongoing Litigation
				External Link: Creative Commons Website
				External Link: WIPO Website
				Access v. York

Level 3: Issues
Including Third Party Content in Your Work
Disseminating Your Work
Infringement
Audio and Video
Images
Other Types of Intellectual Property
Moral Rights
Educational Institutions Policies and Practices
Libraries, Archives and Museums
Open Licenses and Creative Commons
International Copyright Cooperation
History of Copyright Law
Theoretical Foundations for Copyright

Level 4: Scenarios	
Asking Permission	
Insubstantial Copying	
Fair Dealing	
	Copyright and Risk Management
Public Domain	
	Collective Licensing and The Copyright Board
Finding Open/Creative Commons Content	
	License Terms and the Copyright Act
Choosing Open/Creative Commons Licenses	
	The Berne and TRIPS Agreements
Traditional Knowledge and Copyright	
	WIPO Treaties
Publishing Agreements	
	Other International Agreements
Technological Protection Measures/Digital Locks	
	Notice and Notice Regime
Technological Neutrality	
Public Copiers and Scanners	
Inter-Library Loans	
Makerspaces	

We need your help.

<https://goo.gl/6KfzwX>

What modules should be a priority for development?

How do you plan to use the Opening Up Copyright modules?

Can you contribute content or provide feedback on in-progress content?





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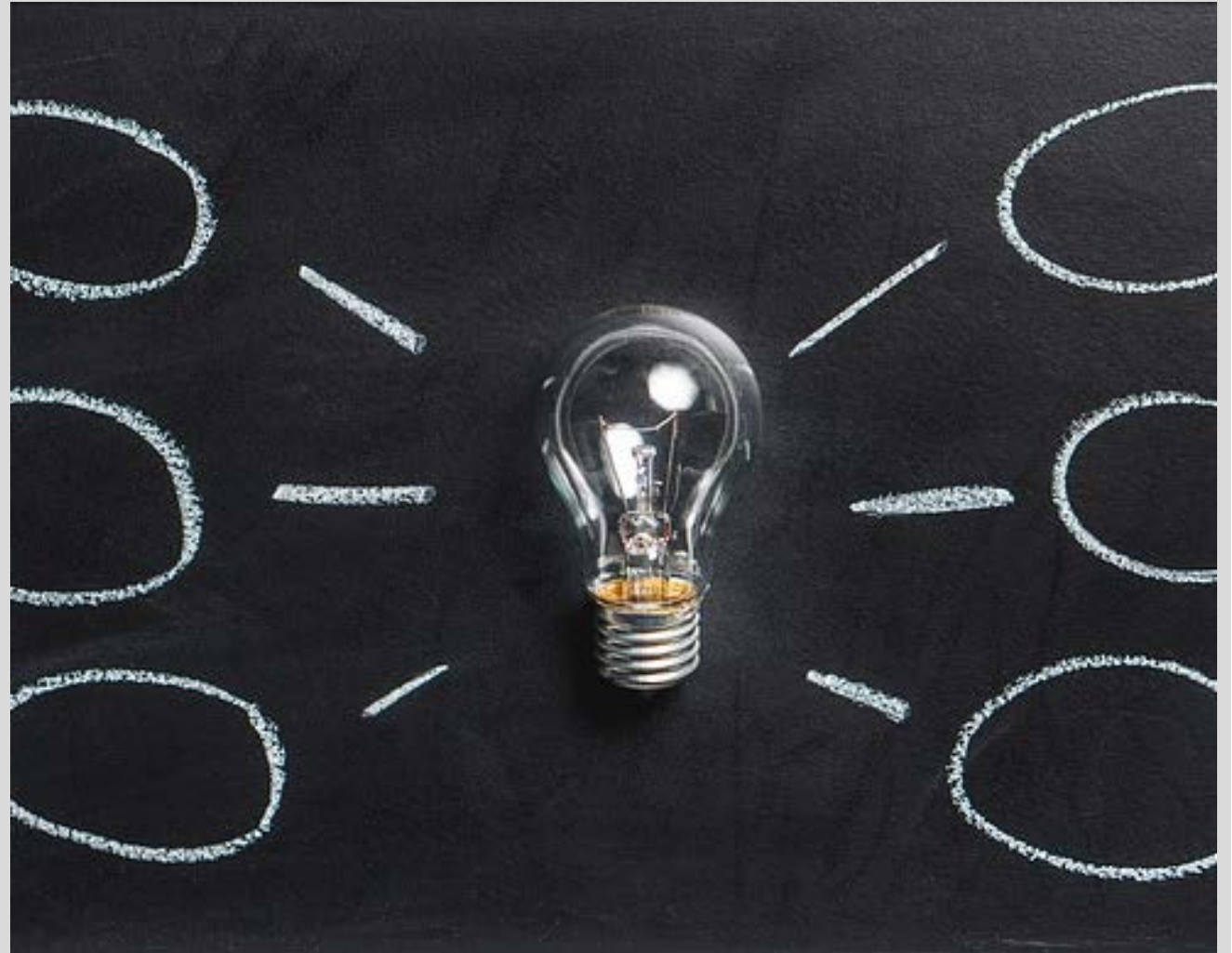
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- **Learning objectives.**
- **Narratives or contextual stories.**
- **Test questions / materials.**
- **Resource links / materials.**
- **Other?**



<https://www.ualberta.ca/copyright/resources/opening-up-copyright-instructional-modules>  
[www.copyright.ualberta.ca](http://www.copyright.ualberta.ca) -- Resources

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Intro to Copyright Law +

Student & Staff Guide +

**Resources -**

**Opening Up Copyright Instructional Modules**

Forms & Templates

Tools & Tutorials

## Opening Up Copyright Instructional Modules

The *Opening Up Copyright* Instructional Modules are open educational resources.

These modules were initially funded through the University of Alberta Centre for Teaching and Learning's *Teaching and Learning Enhancement Fund (TLEF)*, with in-kind contributions from the University of Alberta Copyright Office and School of Library and Information Studies.

The first module, "Public Domain", is scheduled to be released and available here on March 9, 2018.

More information about the initial modules under development will be forthcoming shortly.

[Last Updated: 26 Jan 2018]

**AB©2018**  
Copyright Conference

Development, demonstration and discussion of the  
OER Copyright Project, June 1, Vancouver, BC  
Speakers: Michael McNally, Amanda Wakaruk

# Questions?

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