

# Copyright and Instructional Materials: When do you need to seek permission?

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Copyright Librarian, Copyright Office  
Learning Services  
Festival of Teaching, May 6, 2016





**What do instructors  
need to know about  
copyright in the  
classroom?**

# Session Outline

- Introduction to copyright at the University of Alberta
- Use of © materials in the classroom (traditional and e-classroom)
  - Copyright Office review and permissions service
- Academic author rights and open licensing (e.g., Creative Commons licensing (CC))
- Questions

**required  
for course  
packages**





- Consolidated Index of Statutory Instruments
- Related Resources
- Help
  - Accessibility
  - FAQ
  - General
  - Search Help
  - PDF Help
  - How to Create Stable Links
  - Printing
  - Glossary
  - Important Note

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Constitutional Documents
Consolidated Acts
Consolidated Regulations
Annual Statutes
Statutes Repeal Act: Reports, Deferrals and Repeals
Miscellaneous Statute Law Amendment Program
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Decisions > Supreme Court Judgments > CCH Canadian Ltd. v. Law Society of Upper Canada

**Supreme Court Judgments**

Case name: CCH Canadian Ltd. v. Law Society of Upper Canada  
 Collection: Supreme Court Judgments  
 Date: 2004-03-04  
 Neutral citation: 2004 SCC 13  
 Report: [2004] 1 SCR 339  
 Case number: 29320  
 Judges: McLachlin, Beverley; Iacobucci, Frank; Major, John C.; Bastarache, Michel; Binnie, William; Ian, Cornelius; Arbour, Louise; LeBel, Louis; Deschamps, Marie; Fish, Morris J.  
 On appeal from: Federal Court of Appeal  
 Subjects: Intellectual property  
 Notes: SCC Case Information: 29320

CCH Canadian Ltd. v. Law Society of Upper Canada, [2004] 1 S.C.R. 339, 2004 SCC 13

<b>Law Society of Upper Canada</b>	<i>Appellant/Respondent on cross-appeal</i>
v.	
<b>CCH Canadian Limited</b>	<i>Respondent/Appellant on cross-appeal</i>
and between	
<b>Law Society of Upper Canada</b>	<i>Appellant/Respondent on cross-appeal</i>
v.	
<b>Thomson Canada Limited c.o.b. as Carswell Thomson Professional Publishing</b>	<i>Respondent/Appellant on cross-appeal</i>
and between	
<b>Law Society of Upper Canada</b>	<i>Appellant/Respondent on cross-appeal</i>



Approval Date: February 11, 2011



## Use of Copyright Materials

Office of Accountability:	Provost and Vice-Provost
Office of Administrative Responsibility:	Vice-Provost
Approver:	Board of Governors
Scope:	Compliance with the University

Updates Coming

### Overview

The University of Alberta is committed to ethical behaviour and materials.

All individuals at the University of Alberta using copyright materials must comply with the **Copyright Act and related laws**, which includes protection of the **rights of user rights** in relation to copyright materials owned by others.

Under the Canadian **Copyright Act** individuals may not make copies of all or substantial parts of copyright works without the copyright owner's consent. Copyright subsists in **literary, dramatic, musical and artistic** works.

The **Copyright Act** allows a **FAIR DEALING** exception that **permits the use of a substantial portion** of a copyright work for the purpose of research, private study, criticism or review, or news reporting. Under these guidelines, you may copy the following for your **research** or **private study**:

- 1 You may copy: up to ten (10) per cent of a **Published Work**, other than a commercial textbook produced primarily for the post secondary education market, or the following, whichever is greater:
  - a) an entire chapter from a book provided that it does not exceed twenty (20) per cent of the book;
  - b) an entire article from a periodical publication;
  - c) an entire short story, play, poem or essay from a book or periodical publication;
  - d) an entire entry from an encyclopedia, dictionary, annotated bibliography or similar reference book;
  - e) an entire reproduction of an artistic work from a book or periodical publication; and
  - f) a single musical score from a book or periodical publication.
- 2 In the case of a **commercial textbook** produced primarily for the post secondary education market, copies may be made of up to five (5) per cent, or the following, whichever is greater:

<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Use-of-Copyright-Materials-Policy.pdf>

[http://www.copyright.ualberta.ca/UofA\\_FairDealing.pdf](http://www.copyright.ualberta.ca/UofA_FairDealing.pdf)

# What does this mean in the classroom *right now?*

- **\*link\*** to resources instead of providing copies to students
  - **\*distribute\*** copies under an exception **or** from a resource licensed for classroom use
  - use Copyright Office course review and permissions service for **\*course packages\*** or when you are unsure about terms of use
  - **\*present / display\*** content for educational purposes
-

**What does  
this mean in  
the classroom  
*right now?***

**\*linking\*** to resources  
is not copying and  
the Libraries can help  
you link to licensed  
resources

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# Link to Resources

## Licensed Library Resources

<http://guides.library.ualberta.ca/linking-to-library-online-resources>



[University of Alberta Libraries Home](#) / [Subject Guides](#) / [Linking to Library Online Resources](#) / [Home](#)

## Linking to Library Online Resources

Home

Let the library do it

Direct Links to Articles

Use 'Get It' for Linking

Use 'RefWorks' for Linking

Linking to eBooks

Linking to Databases, Library Guides,  
ERA, Google Scholar

### Linking to Library Licensing Online Resources

The Library provides access to numerous online resources that we license from online vendors/publishers, and it makes sense for instructors to provide links to these resources on their course reading lists/outlines. However, due to our vendor/publisher licensing requirements, links to online resources must include a prefix that prompts for authentication for off-campus access.

The Library uses an application called EZProxy to manage off-campus authentication to our resources. To facilitate off-campus access to our online resources, the EZProxy prefix (<http://login.ezproxy.library.ualberta.ca/login?url=>) should be added to any links you provide to your students.

For example, the following is a URL for an online article:

<http://pubs.acs.org/doi/pdf/10.1021/bi8006143>

# Library Reading List Service

Library staff will create a reading list or place material on reserve  
<http://www.library.ualberta.ca/readinglist/index.cfm>

## READING LIST / RESERVE REQUEST

We aim to make library resources in class reading lists easily accessible. Upon submission, we will respond within five business days with a reading list or reserve. In a hurry? Create your own links using our [Linking Guide](#).

Print only items will be referred to our Reserve staff. Please allow 2-3 weeks for Reserve at <http://library.ualberta.ca/reserveroom>.

**Questions?** Email library staff <http://web.library.ualberta.ca/ere>

Submit your Reading List / Reserve Request:

Name (Last name, First name)

Department

Telephone

Library Card Barcode number

For items only available in print, please indicate:

Date to be placed on print reserve (YYYY-MM-DD)

Date to remove from print reserve (YYYY-MM-DD)

Number of students

Please type asterisks \* next to required readings on your list.

Attach Reading List (MS Word Documents)

No file chosen

OR

Please enter full citation information in this box (title, author, date, etc.)

**What does  
this mean in  
the classroom  
*right now?***

**\*distribute\*** copies (in  
paper or digital  
format) under an  
exception **or** from a  
resource licensed for  
classroom use

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**“...the University has acquired licences allowing users access to specific works for limited uses pursuant to negotiated contract terms.” - UA policy**



# Distribute Licensed Articles

Many eResources licensed through the U of A Libraries allow for classroom use.

Check first: <https://www.library.ualberta.ca/>

## Journal of Academic Ethics

### License Terms of Use

Can I post a copy in a course management system?	Yes	You may include material from this resource in course management systems like eClass. <a href="#">More/Less Information</a>
Can I put it in a course pack?	Yes	You may include material from this resource in course packs, which are compilations of articles for use by students in a class. <a href="#">More/Less Information</a>
Can I link to it?	Yes	You may create a persistent electronic link to an individual article or ebook. <a href="#">More/Less Information</a>
Can I make print or electronic copies?	Yes	You may make print and electronic copies for personal use. <a href="#">More/Less Information</a>

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Can I link to it?	Yes	The licensee may incorporate parts of the licensed materials into print course packs, which are compilations of materials such as articles and book chapters by an academic institution for use by its students in a class for the purposes of instruction.  You can create a persistent electronic link to an individual article or ebook. <a href="#">More/Less Information</a>
Can I make print or electronic copies?	Yes	Posting or scanning articles or book chapters on personal and course websites or in a course management system such as eClass is generally not allowed. Please create a persistent or durable link to the material instead.  You may make print and electronic copies for personal use. <a href="#">More/Less Information</a>

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### Subjects

- [Arts and Humanities](#)
- [Social Sciences](#)

Subscription	Coverage	Note	Our Usage Rights
<a href="#">Canadian Research Knowledge Network Springer Link Current</a>	Available from 2003 volume: 1 issue: 1.		eClass? <b>No</b> Course Packs? <b>Yes</b> Link?
<a href="#">EBSCOhost OmniFile Full Text Select</a>	Available from 2008 until 2011.		eClass? <b>No</b> Course Packs? <b>Yes</b> Link?
<a href="#">Education Research Complete</a>	Available from 2008 until 2011.		eClass? <b>No</b> Course Packs? <b>No</b> Link?
<a href="#">ProQuest Education Journals</a>	Available from 2003. Most recent 1 year(s) not available.		eClass? <b>Yes</b> Course Packs? <b>Yes</b> Link?



# Distribute Licensed eBook chapters



Routledge International Handbook of Ignorance Studies

Matthias Gross, Linsey McGoey

Purveyors of ignorance

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American Politics in the Age of Ignorance

Why Lawmakers Choose Belief Over Research

David Schultz

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# Distribute Print Resources

Fair Dealing Exception:

- Fair Dealing Guidelines (created by UofA)
- Fair Dealing Assessment (your judgment with input from Copyright Office)



# CHECK BEFORE YOU COPY

Copyright and Licensing Office | [copyright.ualberta.ca](http://copyright.ualberta.ca)

## Copying Guidelines

Under the Canadian **Copyright Act** individuals may not make copies of all or substantial parts of copyright works without the copyright owner's consent. Copyright subsists in **literary, dramatic, musical** and **artistic** works.

The **Copyright Act** allows a **FAIR DEALING** exception that **permits the use of a substantial portion** of a copyright work for the purpose of research, private study, criticism or review, or news reporting. Under these guidelines, you may copy the following for your **research** or **private study**:

- 1 **You MAY copy:** up to ten (10) per cent of a **Published Work**, other than a commercial textbook produced primarily for the post secondary education market, or the following, whichever is greater:
  - a an entire chapter from a book provided that it does not exceed twenty (20) per cent of the book;
  - b an entire article from a periodical publication;
  - c an entire short story, play, poem or essay from a book or periodical publication;
  - d an entire entry from an encyclopedia, dictionary, annotated bibliography or similar reference book;
  - e an entire reproduction of an artistic work from a book or periodical publication; and
  - f a single musical score from a book or periodical publication.
- 2 In the case of a **commercial textbook** produced primarily for the post secondary education market, copies may be made of up to five (5) per cent of the following, whichever is greater:

Distribute resources under the fair dealing exception as interpreted by the **University of Alberta**



**Updates  
Coming**

[http://www.copyright.ualberta.ca/UofA\\_FairDealing.pdf](http://www.copyright.ualberta.ca/UofA_FairDealing.pdf)

# Distribute resources under the fair dealing exception as interpreted by the Supreme Court of Canada

Two-step test (NOT A CHECKLIST):

- 1) Does use fall within accepted list of purposes? (as stated in Section 29 of the Copyright Act, e.g., research, private study, **education**, criticism, review...) <http://laws-lois.justice.gc.ca/eng/acts/C-42/>
- 2) Was the dealing fair? (paragraphs 54-60 of CCH Canadian Ltd. v. Law Society of Upper Canada, [2004] 1 SCR 339, 2004 SCC 13 (CanLII), <http://canlii.ca/t/1g1p0>)
  - purpose (could be interpreted as ‘intention’ instead of ‘category’ as in step 1)
  - character
  - amount
  - alternatives
  - nature
  - effect of the dealing on the copyrighted work

**Confused?**

**Need permission?**

**Using a course package?**

# Copyright Review Request Form (required for course packages, email as attachment to Copyright Office)

<http://www.copyright.ualberta.ca/>

[copyright@ualberta.ca](mailto:copyright@ualberta.ca)



## Copyright Compliance Review Form

Questions? Contact the Copyright Help Desk at 780.492.8327

**Complete this form and email to the Copyright Office:**

### Printed Distribution of Course Materials

- > When preparing a printed COMPILATION - excerpts of copyright material (created by others) selected from various print or digital sources.
- > When preparing printed CUSTOM COURSEWARE - combination of original (instructor's) material and excerpts of copyright material from print or digital sources.

### Digital Distribution of Copies

- > Before uploading copies (usually a PDF) of copyright material from:
  - a print source, but only where the amount copied exceeds the University of Alberta's Fair Dealing Guidelines
  - a source held in the UA Libraries digital collection
  - the open web, but only where there is a clearly visible notice prohibiting copying for educational use.

Legend	Source Work Type
BK	Book (all books, including textbooks)
AN	Anthology (compilation with multiple authors)
JA	Journal Article (print or online journal)
NP	Newspaper (print or digital source)
OT	Other (i.e. business case, out-of-print work)
WB	Content from an internet website (www)

File Ref. #:	
Received:	

For completion by instructor/requestor [required]

Course Start:	
Code & No.:	
Course Name:	
Faculty:	
Instructor:	
Email:	
Requestor:	
Email:	
Phone:	
Select Format:	--- Select to choose distribution format (required) ---

Email to: **Email completed form to [copyright@ualberta.ca](mailto:copyright@ualberta.ca)**

\*\*\* Click on column headings for instructions \*\*\*

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		First Name	Last Name	First Name	Last Name	First Name	Last Name												
1	0920079636	Erna	Paris			Douglas	Fethering	Best Canadian Essays: 1990	"The Boat People: The Toronto Voyage"	Fifth House Publishers	1992	322	52	75	24	6	144	BK	7%
2															1				
3															1				
4															1				

GREYED AREA FOR COPYRIGHT OFFICE USE

# **When do I use the Copyright Office course review and permissions service?**

- When you are compiling a course package that will be published by SUBPrint.
  - When you are unsure about whether or not you can distribute materials in your classroom.
-



**What does  
this mean in  
the classroom  
*right now?***

**\*present / display\***  
course content for  
educational  
purposes

---

# Presentation of Course Materials

- Check the terms of use for conditions, restrictions, or limitations when using resources accessible via licence or subscription.
- Cannot display material that is commercially available in a format suitable for this use.



# Author Rights and CC Licensing



- Tell others how they can use your work: assign a Creative Commons licence <https://creativecommons.org/>
- Read your publisher / copyright agreement **carefully** before you sign; negotiate if needed
- Work with publishers that support your needs

# Remember:

1. Link to resources where reasonable, distribute with care in the classroom.

**pedagogically sound**

**via a licence (library or CC)**

**fair dealing exception**

**permission**

2. Plan ahead for course packages, copyright course reviews, and permissions.

**6-8 weeks**

**requested by CRO or you?**

# Questions?

Amanda Wakaruk, MLIS, MES  
Copyright Librarian  
Copyright Office, Learning Services  
University of Alberta

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@awakaruk (personal)

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# Copyright Office

<http://www.copyright.ualberta.ca/>

[copyright@ualberta.ca](mailto:copyright@ualberta.ca)

support for faculty, staff, and students