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

Amanda Wakaruk, MLIS, MES Copyright Librarian, Copyright Office Learning Services Festival of Teaching, May 6, 2016





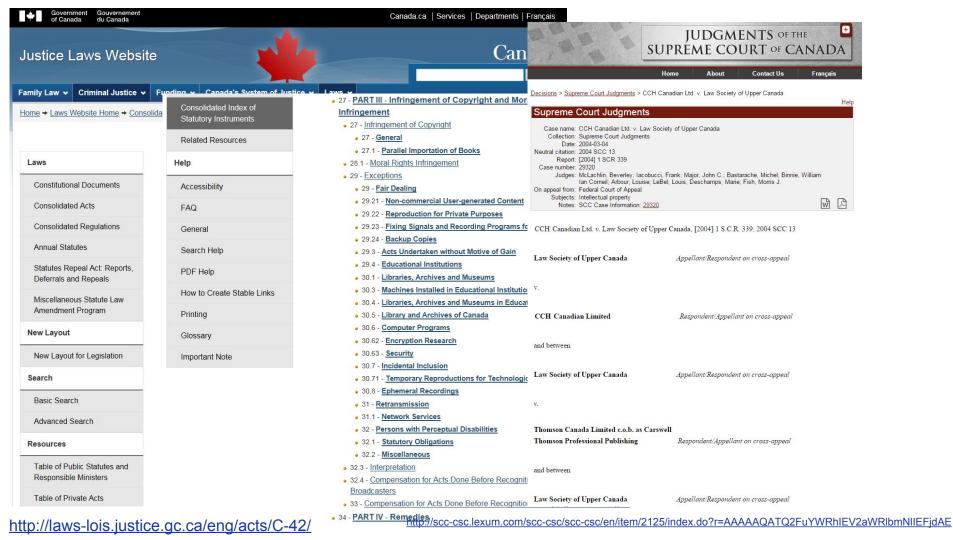


What do instructors need to know about copyright in the classroom?

### **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





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**BEFORE YOU COPY** 

Copyright and Licensing Utilice - copyright.ualberta.ca

Approval Date: February 11, 2011

#### **Copying Guidelines**

#### Use of Copyright N

Office of Accountability: Provost and V Office of Administrative Responsibility: Vice-Provost Approver: Board of

the University

Indee 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 Scope: Compliar Compl

#### Overview

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

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

- You K copy: to ten (10) per cent of a **Published Work**, other than a commercial textbook produced primarily for the post secondary education market, on the following, whichever is greater:
  - n entire chapter from a book provided that it does not exceed twenty (20) per cent of the book;
- **b** In entire article from a periodical publication;
- an entire short story, play, poem or essay from a book or periodical publication;
- 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
- a single musical score from a book or periodical publication.
- 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

# 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

### Link to Resources

Licensed Library Resources <a href="http://guides.library.ualberta.ca/linking-to-library-online-resources">http://guides.library.ualberta.ca/linking-to-library-online-resources</a>



#### **Linking to Library Online Resources**



#### **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**

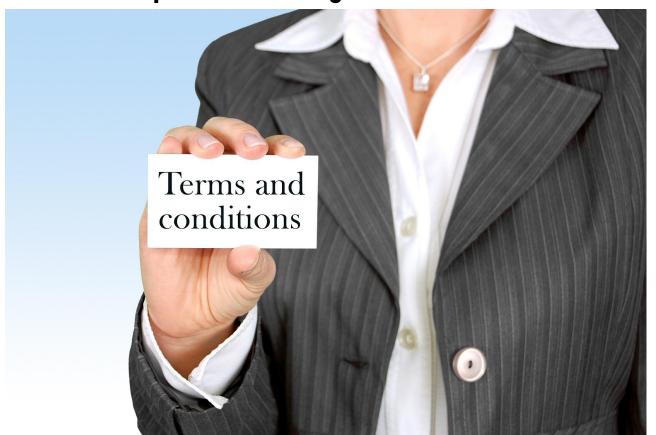
Library staff will create a reading list or place material on reserve <a href="http://www.library.ualberta.ca/readinglist/index.cfm">http://www.library.ualberta.ca/readinglist/index.cfm</a>

READING LIST / RESERVE REQUEST	For items only available in print, please indicate:
	Date to be placed on print reserve (YYYY-MM-DD)
We aim to make library resources in class reading lists easily acc Upon submission, we will respond within five business days with	
in a hurry? Create your own links using our Linking Guide.	Date to remove from print reserve (YYYY-MM-DD)
Print only items will be referred to our Reserve staff. Please allow	
Reserve at http://library.ualberta.ca/reserveroom.	Number of students
Questions? Email library staff http://web.library.ualberta.ca/ere	
Submit your Reading List / Reserve Request:	Please type asterisks * next to required readings on your list.  Attach Reading List (MS Word Documents)
	Choose File No file chosen
Name (Last name, First name)	
	OR
Department	Please enter full citation information in this box (title, author, date, etc.)
Telephone	
Library Card Barcode number	SUBMIT

# 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

"...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

Full/Alternate Title(s): Journal of Academic Ethics

Format: Journal Published: Dordrecht ISSN: 1570-1727

#### Subjects

- Arts and Humanities
- Social Sciences

#### License Terms of Use

electronic copies?

Can I post a copy in a course management system?	You may include materia systems like eClass.  More/Less Information
Can I put it in a course pack?	You may include materia are compilations of artic
Can I link to it?	You can create a persist ebook.
Can I make print or	You may make print and

More/Less Information

#### License Terms of Use

Can I put it in a course

Can I link to it?

Can I make print or electronic copies?

pack?

		You may include material from this resource in course management systems like eClass.
Can I post a copy in a course management	Yes	More/Less Information
system?		The licensee and authorized users may incorporate parts of the licensed materials in course management systems like eClass
		You may include material from this resource in course packs, which

ou may include material from this resource in course packs, which are compilations of articles for use by students in a class.

#### More/Less Information

The licensee may incorporate parts of the licensed materials into print course packs, which are compilations of materials such as articles and book chaptersby an academic institution for use by its students in a class for the purposes of instruction.

Subscription	Coverage	Note	Our Usage Rights	
Canadian Research Knowledge Network SpringerLink Current	Available from 2003 volume: 1 issue: 1.		eClass? No Course Packs? Yes Link	(
EBSCOhost OmniFile Full Text Select	Available from 2008 until 2011.		eClass? No Course Packs? Yes Link	
Education Research Complete	Available from 2008 until 2011.		eClass? No Course Packs? No Link?	
ProQuest Education Journals	Available from 2003. Most recent 1 year(s) not available.		eClass? Yes Course Packs? Yes Lin	0

You can create a persistent electronic link to an individual article or ebook.

#### More/Less Information

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.

#### More/Less Information

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## Distribute Licensed eBook chapters



#### Routledge International Handbook of Ignorance Studies

Matthias Gross, Linsey McGoey

Purveyors of ignorance

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Why Lawmakers Choose Belief Over Research

David Schultz

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## Distribute Print Resources

#### Fair Dealing Exception:

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





#### **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 quidelines, you may copy the following for your **research** or **private study**:

- 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)

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



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):

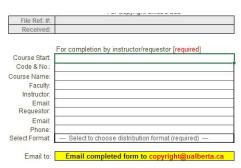
- 1) Does use fall within accepted list of purposes? (as stated in Section 29 of the Copyright Act, e.g., research, private study, education, criticism, review...) <a href="https://laws-lois.justice.gc.ca/eng/acts/C-42/">http://laws-lois.justice.gc.ca/eng/acts/C-42/</a>
- 2) Was the dealing fair? (paragraphs 54-60 of CCH Canadian Ltd. v. Law Society of Upper Canada, [2004] 1 SCR 339, 2004 SCC 13 (CanLII), <a href="http://canlii.ca/t/1glp0">http://canlii.ca/t/1glp0</a>)
  - o 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



#### 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) a print source, but only where the amount copied exceeds the University of Alberta's Fair Dealing Guidelines
  - (b) a source held in the UA Libraries digital collection
  - (c) the open web, but only where there is a clearly visibile notice prohibiting copying for educational use.

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

Legend	Source Work Type
DI	
	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)

ISBN/ISSN - OR - Product No.		Author (1) of Selection		Author (2) of Selection		Editor of Source		Source eg. book name & edition;	Selection	Publisher	Year of	Total Pages	First	Last	Total	Number			e Percent
		First Name	Last Name	First Name	Last Name	First Name	Last Name	journal name/vol/issue/ date; server/domain name (not URL)	eg. chapter title or selection title; URL to file location	eg. company name or owner of website (not URL)	Publication	in Publication			Original Pages		Pages Copied	Work Type	(%) copied
GREY	GREYED AREA FOR COPYRIGHT OFFICE USE																		
No.	0920079636	Erna	Paris			Douglas	Fetherling	Best Canadian Essays: 1990	"The Boat People: The Toronto Voyage"	Fifth House Publishers	1992	322	52	75	24	6	144	BK	7%
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2													0		1				
3															1				
4					<u> </u>									(5)	1				
-	-			1		1					1	1							1 1

## 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 <a href="https://creativecommons.org/">https: //creativecommons.org/</a>
- 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.
- 2. Plan ahead for course packages, copyright course reviews, and permissions.

pedagogically sound

> via a licence (library or CC)

fair dealing exception

permission

6-8 weeks

requested by CRO or you?

## **Questions?**

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

amanda.wakaruk@ualberta.ca @awakaruk (personal)

## Copyright Office

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

copyright@ualberta.ca

support for faculty, staff, and students