Copyright in Teaching

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library.usask.ca/copyright/
Presentation Overview

- Access Copyright vs. York University Copyright Case
- Fair Dealing Guidelines
- Materials Available through the Internet
- Images
- Showing vs. Distributing Course Materials
- Open Access Materials
- Library Licensed Materials
- Alternative Options for Providing Course Materials
- Summary
- Supports
- Q & A
Access Copyright (AC) vs. York U.

- July 2011 – York U. announces it will operate without an AC license effective September 2011
- April 2013 – AC launches lawsuit against York, alleging that:
  a) Amounts of copyright-protected materials copied at York obliged York to pay a Tariff
  b) York’s Fair Dealing Guidelines are not “fair”
- June/July 2016 – Concluding arguments in case
- June 2017 – Case decision publicly released
Access Copyright (AC) vs. York U.

- Decisions on the two key issues went AC’s way
- Disappointing for universities across Canada
- What does this mean for U of S faculty/instructors?
  a) Continuing to use U of S Fair Dealing Guidelines
  b) Use materials already licensed by the U of S
  c) Acquire permission/licenses for using materials in ways not covered by guidelines or existing licenses.
  The U of S Copyright Office can help with this!
- York has announced they will appeal the decision
Background on Fair Dealing

- Fair Dealing – an exception in Canadian Copyright Act ("the Act") which allows for limited copying of materials for certain purposes
- November 2012 – "Education" added to the Act as a purpose for which Fair Dealing can be used
- Most Canadian universities then adopted Fair Dealing Guidelines created by Universities Canada.
U of S Fair Dealing Guidelines

A single copy of a “Short Excerpt” from a work may be provided to each student registered or engaged in a course, unit or program of academic, continuing, professional or vocational study administered or hosted by U of S.

Source: https://library.usask.ca/copyright/general-information/fair-dealing-guidelines.php
What is a “Short Excerpt”? 

- 10% or less of a work or no more than:
  a. One chapter for a book
  b. A single article from a periodical
  c. An entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart and plan) from a copyright-protected work containing other artistic works
  d. An entire newspaper article or page
  e. An entire single poem or musical score from a work containing other poems or musical scores
  f. An entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work

- Whichever is greater.

Source: https://library.usask.ca/copyright/general-information/fair-dealing-guidelines.php
Fair Dealing Fine Print

NO Cumulative Copying

I.e., “Where the Fair Dealing Exception allows the copying of only a portion of a Work, no member of the faculty, teaching staff or other staff may make copies of multiple short excerpts with the effect of exceeding the copying limits set out in Section 3 of these Guidelines.”

Image: “Platinum Equity: Reading the fine print” by Tom Gores
Accessed from Flickr on Sept 22, 2014

Quote Source: https://library.usask.ca/copyright/general-information/fair-dealing-guidelines.php
Applying Fair Dealing

Works copied under fair dealing guidelines may be distributed as:

- As a class handout
- As a posting to a learning or course management system (e.g., PAWS, Blackboard) or e-reserve that is password protected or otherwise restricted to, and accessible only by, students in the specific course, unit or program
- As part of a coursepack

Source: https://library.usask.ca/copyright/general-information/fair-dealing-guidelines.php
Works Available via the Internet

It is not an infringement of copyright for an educational institution to use material available through the internet under the following conditions:

- No digital locks were circumvented to access the material
- The source of the material is cited (including the author/creator’s name if given)
- The user is reasonably sure that the copy they accessed was not an infringing copy
- That there was no “clearly visible notice” prohibiting the use of the material (notice needs to be more that just the copyright symbol “©”)

“The Internet Messenger” by Buky Schwartz. Accessed through Wikipedia.org on Sept 22, 2014 – from the Israel free image project; cropped by Kate Langrell
What is a “Clearly Visible Notice”? 

There is currently no legal precedent or definition

- **Link** to content whenever you can!
- If there is no “Terms of Use” page, “Copyright Notice” page, etc. on the website, and no copyright-related statements on the content itself or the webpage where the content appears...
- If there is only the copyright symbol “©”...
- If copyright restrictions are buried in an incredibly long “Terms of Use” page...
Showing vs. Giving


VS.

Displaying in Class

- No limit on the amount of copyright-protected material you can include when SHOWING in class
  - a) Movies
  - b) Music
  - c) Images
- The whole darned textbook
- PowerPoint is included in this
- No limit on what can be used for in-class instruction

Please cite copyright-protected materials displayed in class
PowerPoints on Blackboard

- Including copyright-protected images, charts, maps, videos, etc., in PowerPoint notes distributed via Blackboard is OK if:
  a) Your use is allowed under Fair Dealing
  b) You are applying the “Works available through the internet” clause
  c) You created the image, graph, chart, etc.
  d) The image was included in supplementary materials, provided by a publisher, that go along with a required textbook
  e) You sought permission if your use was not allowed under Fair Dealing, the internet clause, etc.
Regardless of the source and the permission attached to an image,

Please Cite It!

Provide citation information (including the source and, if possible, the creator) for EVERY image used in your course materials (i.e., drawings, photos, diagrams, charts, graphs, maps, etc.).
Online Image Sources

- Images from these sources can be used for educational purposes without permission, but must be cited:
  - Creative Commons: search.creativecommons.org
  - Wikimedia Commons: https://commons.wikimedia.org/wiki/Main_Page
  - Wellcome Images: http://www.wellcomeimages.org

- Looking for images related to a specific subject area? Visit http://copyright.ubc.ca/guidelines-and-resources/support-guides/image-sources/
Image: “Launching Calgary Chapter of Fair Copyright for Canada” by Kempton (CC BY-NC-SA 2.0). Uploaded to Flickr on January 10, 2008; retrieved August 12, 2015; cropped by Kate Langrell
Creative Commons Materials

- Creative Commons BY
- Creative Commons BY-NC
- Creative Commons BY-SA
- Creative Commons BY-NC-SA
- Creative Commons BY-ND
- Creative Commons BY-NC-ND
OER (open educational resources)

Includes:

- Open textbooks
- Open access journals
  (see Directory of OA Journals > DOAJ)
- Other educational materials with Creative Commons or other open licenses
- Open pedagogy
Finding OER

open.usask.ca

Open Educational Resources (OER) allow instructors and students to access, use, revise/remix, and share pedagogically appropriate learning materials freely. These resources allow instructors, and learners, to access and shape content to meet the needs of specific learning contexts. Digital versions of open resources are almost always free and print copies of items such as open textbooks can generally be obtained at a fraction of the cost of a regular commercial textbook.

"OER are teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and re-purposing by others. Open educational resources include full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge." (Hewlett Foundation)

Open pedagogy takes OER as a jumping-off point for rethinking the relationship between teachers, students, and knowledge. If teachers and students can now modify their textbooks and learning materials, we shift the student emphasis to contribution to knowledge as opposed to simple consumption of knowledge. Teachers and students become learners together, and "content" becomes a dynamic, always changing category with which we engage rather than a stable set of facts to be mastered. (DeRosa)
Z-Courses

- Zero or minimal ($35 or less) direct student costs for materials
- OER
- Instructor created materials
- Student created materials (open pedagogy)
- University licensed materials (work with Library liaisons)
Library-Licensed Materials

- For electronic journals (e-journals) and e-articles offered through the library, it’s important to check the library licence information
- MONDO – library’s database of usage rights for e-materials
- After doing a library search for your content, click the FindIt! Button to see the licence information
- Let’s do an example: [http://library.usask.ca/](http://library.usask.ca/)
- Can (almost) always create a persistent electronic link (“permalink”) to the content
- Can always provide students with a citation and they can retrieve the content themselves
Alternative Options for Providing Course Materials

- Your own creations (copyright has not been assigned to another entity, e.g., a publisher)
- Supplemental materials provided with required textbooks; publishers often willing to allow extensive use of materials (talk to sales rep.)
- Public Domain: copyright waived/expired
- Ask for permission (a licence) from copyright holder if the intended use falls outside fair dealing limits
Summary

- **CITE** everything and **LINK** as much as possible
- Be conscious of Fair Dealing guidelines when using copyrighted works
- **ASK** librarians, GMCTL, Copyright Coordinator if you have questions
Supports

Copyright –
Kate Langrell
(306) 966-8817
copyright.help@usask.ca
library.usask.ca/copyright/

Open Educational Resources & Open Pedagogy –
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Supports

Open Access Publishing & Journals –
Dede Dawson
(306) 966-6049
dede.dawson@usask.ca

Virtual Course Packs –
Library Liaisons
http://libguides.usask.ca/
Questions?

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Helpful Links

- U of S Use of Materials Protected by Copyright Policy: http://policies.usask.ca/policies/operations-and-general-administration/copyright.php
- Copyright Instructor FAQs: https://library.usask.ca/copyright/instructors/frequently-asked-questions.php
- Other Guidelines for Using Copyright-Protected Materials: https://library.usask.ca/copyright/general-information/copyright-guidelines.php