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Copyright in Teaching

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UNIVERSITY OF SASKATCHEWAN
University Library
LIBRARY.USASK.CA

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.



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.



Fair Dealing Fine Print



Image: "Platinum Equity: Reading the fine print"
by Tom Gores
Accessed from [Flickr](#) on Sept 22, 2014

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."



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



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 than 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.



Accessed from <http://columbia-ca.co.jp/blog/?p=543>
on Sept 22, 2014

Screenshot from Fast Times at
Ridgemount High accessed from
http://i302.photobucket.com/albums/nn82/Doozie_photos/fast-times-ditto-paper.jpg on Sept 22, 2014



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





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

The screenshot shows the University of Saskatchewan website's 'Teaching and Learning' section. The main navigation includes 'Curriculum', 'Teaching a Class', 'Teaching Support', 'Educational Technology', 'Supporting Students', and 'About'. The main banner features the text 'Open Pedagogy' over a background of colorful textbooks. Below the banner, there is a 'Contents' sidebar with links to 'Resources', 'Additional Resources', 'Funding', and 'Getting Help'. The main content area contains two paragraphs of text defining OER and Open Pedagogy, with citations to the Hewlett Foundation and DeRosa. At the bottom, there is a 'Resources' section with three buttons: 'Find Open Resources' (with the OER logo), 'Open Textbooks' (with an open book icon), and 'Open Access Library' (with the Open Access logo).

Contents

- [Resources](#)
- [Additional Resources](#)
- [Funding](#)
- [Getting Help](#)

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)

Resources

- [Find Open Resources](#)
- [Open Textbooks](#)
- [Open Access Library](#)



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/>
- 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 –

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copyright.help@usask.ca

library.usask.ca/copyright/

Open Educational Resources & Open Pedagogy –

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Supports

Open Access Publishing & Journals –

Dede Dawson

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Virtual Course Packs –

Library Liaisons

<http://libguides.usask.ca/>



Questions?

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Helpful Links

- U of S Fair Dealing Guidelines:
<https://library.usask.ca/copyright/general-information/fair-dealing-guidelines.php>
- 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>
- Copyright FAQ document from U of S Libraries:
<http://library.usask.ca/murray/files/CopyrightFAQexternal.pdf>