

Copyright for Instructors – Frequently Asked Questions

<https://library.usask.ca/copyright/instructors/frequently-asked-questions.php>

GENERAL

1. How do I know whether something I want to do or use requires permission from the copyright owner?

In general, you are allowed to make a copy if:

1. The copying is permitted by one of the exceptions in the [Copyright Act](#), including the fair dealing exception for which the University of Saskatchewan (USask) has adopted [Fair Dealing Guidelines](#).
2. The work to be copied is already covered by a licence that permits copying for your use. Such licences may include:
 - [Creative Commons](#) licences;
 - [Open Access](#) works;
 - licences that USask has with the publisher of an electronic journal or book.
3. The work being copied is in the [Public Domain](#) (i.e., no longer protected by copyright).
4. The copyright holder has explicitly provided you with permission or a licence to use the work.

Please review the USask [Copyright Guidelines](#) or [contact us](#) for additional information.

2. How should I cite copyright-protected materials that I'm using?

For materials being used for educational purposes, please cite at least **the source** of the material (e.g., the book title, journal title, article title, etc.) and if available **the name of the creator** of the materials. Some educational exceptions in the Canadian Copyright Act require that the source, and the creator or author name if available, are cited when copyrighted materials are used.

If you follow the citation guidelines for your field (e.g., APA, MLA, Chicago) for creating references, and you use all citation information available to you, then your references will include the information required by certain educational exceptions in the Canadian Copyright Act.

One exception that requires this citation information to be included is in section [30.04](#) of the Copyright Act – the section about using works available through the Internet for educational purposes. For works from the Internet, including images, the source cited should include at least the URL (i.e., the web address) from where the content was retrieved and the name of the creator or author if available.

For materials that you are using with permission from the copyright owner, please include a statement something to the effect of “Used with permission from [*Name of Copyright Holder*]” at the end of your citation. The copyright owner will mostly likely be the publisher or the creator of the work.

Please see our [How to Cite Images in Slides](#) handout for a summary of information about citing images used in your course materials.

3. Does the university have a template letter that I can use to write a copyright permission request?

Please visit our [Getting Permission from a Copyright Owner](#) page for details about how to write to a copyright owner to request permission.

IN THE CLASSROOM

4. Can I include images in my lecture slides that I hand out in hardcopy to the students in my class?

Yes. Under the University of Saskatchewan's (USask) [Fair Dealing Guidelines](#), it is permitted to copy “an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart and plan) from a copyright-protected Work containing other artistic works” to use in materials for a course that can be provided to students in hardcopy, in a course pack, via a password-protected course website or learning management system (such as Canvas).

Additionally, if you are sharing a Short Excerpt of a work such as one article from a journal issue, one chapter of a book or up to 10% of a book – all of which are permitted by the USask [Fair Dealing Guidelines](#) – generally, the images within those Short Excerpts can be included when the excerpt is provided to students in a course.

Images that are available on the Internet can be used in course materials that are displayed in class or distributed to students as long as:

- no digital locks were circumvented to access the images (e.g., they were not password-protected or behind a paywall);
- the source of the image is cited, and the author/creator’s name is cited, if it is available;

- you are reasonably sure that the copy you found was not an infringing copy (i.e., was posted legally online);
- that there was no clearly visible notice on the website, or the material found online, prohibiting your intended use of the material (this notice needs to be more than just the copyright symbol “©”).

The University of British Columbia has compiled a great [list of online image sources](#), organized by subject, where you can find Public Domain and Creative Commons-licensed images. These images can be used in course materials, and many can be used on public websites as well. There are descriptions beside the sources detailing how the images can be used in course materials, how they should be cited and some other terms of use.

Searching for images on the [Creative Commons](#) website is another good way to find images and other media that can be used for non-commercial purposes, such as education, as long as the images are cited.

Please review our [How to Cite Images in Slides](#) handout for an overview about including images in course materials (in particular, lecture slides).

5. Can I show a YouTube video in class?

Yes, you can show a video that is openly available online in the classroom as long as you are reasonably certain that the video was posted online legally.

LEARNING MANAGEMENT SYSTEMS OR COURSE WEBSITES

6. Can I include images in my lecture slides that I post on Canvas?

Yes. Under the University of Saskatchewan (USask) [Fair Dealing Guidelines](#), it is permitted to copy “an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart and plan) from a copyright-protected Work containing other artistic works” to use in materials for a course that can be provided to students through a password-protected course website or learning management system such as Canvas, in hardcopy in class or in a [course package](#).

Additionally, if you are sharing a Short Excerpt of a work such as one article from a journal issue, one chapter of a book or up to 10% of a book – all of which are permitted by the USask [Fair Dealing Guidelines](#) – generally, the images within those Short Excerpts can be included when the excerpt is provided to students in a course.

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- you are reasonably sure that the copy you found was not an infringing copy (i.e., was posted legally online);
- that there was no clearly visible notice on the website, or the material found online, prohibiting your intended use of the material (this notice needs to be more than just the copyright symbol “©”).

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Please review our [How to Cite Images in Slides](#) handout for an overview about including images in course materials (in particular, lecture slides).

7. Can I post course materials openly online for students in a course?

Generally, it is not permitted for you to post copyright-protected materials openly online without permission from the copyright owner. Posting materials online constitutes republishing or distributing the materials and only the copyright holder has the right to engage in those activities. Instead of posting a copy of others’ work online, link to it when possible or add a citation for the work so that it can be accessed legally. Works that have more lenient terms of use, such as [Open Access](#) and [Creative Commons](#)-licensed works, can be shared openly online for non-commercial purposes as long as the works are cited.

8. Are there any copyright issues with linking to materials that are openly available on the internet?

Providing links (even deep links) to online resources is appropriate, as long as security is not being circumvented and that recipients of the links have a legitimate access to the resources. Please do not provide links to online materials that you know or suspect, have been posted illegally.

9. What are the copyright implications for using Perusall?

The considerations for using materials on Perusall are similar to the considerations for using material on Canvas. You can share material on Perusall if one of the following situations applies:

- You downloaded the content through a library licence which allows use. You can check library licence information by following the steps on this Library Resources webpage under Electronic Licenced Library Resources. Please note that library licence rules take precedence over Fair Dealing, so you can't apply Fair Dealing to upload electronic Library material to Perusall.
- You scanned content from a print source, according to the limits of the Fair Dealing Guidelines. For example, one chapter or up to 10% of a book can be uploaded to Perusall for access by students.
- You are using content that was made freely available online. Section [30.04](#) of the Canadian Copyright Act allows you to copy an entire work that has been made available on the Internet as long as:
 - The works are available online openly and not protected by “digital locks” such as a paywall or password-protection.
 - There is no clearly visible notice specifically prohibiting the intended use of the work (this notice needs to be more than just the copyright symbol “©”).
 - The work has not been made available on the Internet in violation of the copyright owner’s rights.
 - The work is cited when you use it, with the source of the materials and the name of the author or creator if their name is available.

In each of these cases, access must be limited to only the students and instructors affiliated with the course, and proper acknowledgement of the source must be provided.

This FAQ was adapted with permission from the University of Waterloo Copyright Office. The original is available at <https://uwaterloo.ca/copyright-at-waterloo/faq-0-10> and is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License (<https://creativecommons.org/licenses/by-nc-sa/4.0/>).

LIBRARY RESOURCES

10. Can I put a textbook for my course on library reserve?

Yes, original works can be placed on [library reserve](#) without concern for copyright clearance. The library currently reviews course textbook lists and places items held in the collection on reserve to ensure the best access for students.

11. Can I put a copy of an article or book chapter on library reserve?

A copy of a Short Excerpt, as defined in the university’s [Fair Dealing Guidelines](#), can be added to library reserve for students in a course.

12. What materials does the university already have copyright licences for that I can use in my teaching?

The University Library has a variety of [Research Guides](#) that can help you find resources, for your subject area, to which the university subscribes. These resources include databases through which you can find images and other media which are often licenced for use in courses offered at the University of Saskatchewan.

When searching for electronic library materials (e.g., e-books and e-articles), you can see what is permitted by the university's licence for that material and the licence information is broken into the following usage categories:

- placing on e-reserves;
- posting in a library management system (e.g., Canvas, Moodle);
- using material in a course pack;
- creating a persistent electronic link; and
- making a print or electronic copy.

This information is available when you click the Full text online button ([Full text online](#)) in the library search results. For additional details, please see our page about providing course materials through the [University Library](#).

RETAIL SERVICES (BOOKSTORE)

13. What is a course pack?

A course pack is a compilation of works from more than one source that are bound together. [Retail Services](#) can assist you in producing a course pack, and the [Copyright Office](#) will review the course pack before it is printed to determine whether copyright permission is needed for any materials that you would like to include. The cost of course packs can vary depending on copyright fees, the number of pages and documents and the volume of course packs being produced. Those costs are generally reflected in the selling price of the course pack.

Please contact [Retail Services](#) for more information on how to create a course pack, as well as for important deadlines for submitting the materials.

Note: Obtaining copyright clearance for materials can take quite some time (an average of six to eight weeks) so please ensure you submit your requests early.

14. If I am the creator/author of a work, can I use the work in a course pack?

Yes. As long as you are the sole copyright holder for a work (e.g., you have not signed your copyright over to a publisher for an article or book chapter you have written), you can distribute the work via a course pack or other means without permission.

AUDIO/VISUAL MATERIALS

15. Can I bring a movie (i.e., a DVD/Blu-Ray) from home or one that I've checked out of a library, to show in class?

Yes. A DVD, Blu-Ray or VHS of a movie may be played, without acquiring a public performance licence, for students on the premise of an educational institution under the following conditions:

- the copy of the movie is legally obtained;
- the movie is played for the purpose of education or training;
- the audience for whom the material is played is made up of primarily students; and
- no profit is gained by showing the movie.

16. Am I permitted to use Netflix in the classroom?

Two exceptions have been introduced in the new copyright legislation that relate to this situation:

1. The ability to use works available on the Internet, provided certain conditions are met.
2. The ability to show legal, commercial copies of films/videos for educational purposes without having to obtain a public performance licence.

The complexity is that any Netflix account is password-protected, which would be considered a technological protection measure (i.e., a “digital lock”). Thus, although it is available on the Internet, the presence of the digital lock prevents using that exception.

[Netflix Terms of Use](#) states "The Netflix service and any content viewed through the service are for your personal and non-commercial use only. During your Netflix membership we grant you a limited, non-exclusive, non-transferable licence to access the Netflix service and view Netflix content... You agree not to use the service for public performances." Additionally, the Netflix End User Licence Agreement notes that your membership allows you and the members of your immediate household use of the Netflix services. From this, we must conclude that you would need to obtain permission from Netflix in order to show the content to your students.

We recommend that you check YouTube or any other publicly accessible site, for availability of the clip you wish to use. Alternatively, you can buy or borrow a physical copy of the video (such as DVD, Blu-Ray or VHS). Netflix can also be contacted for copyright clearance to play material in class for which Netflix is the creator/copyright holder.

17. Can I embed YouTube videos in my electronic course materials provided to students in my class?

Unless there is a clearly visible notice that states otherwise, and as long as the video appears to be posted legally, you can embed a video that is openly available in your course materials.

COURSE MATERIALS - OTHER QUESTIONS

18. Is everything on the Internet in the Public Domain and therefore fair game to copy/use?

No. Most Internet materials are subject to the same copyright laws as other materials such as books and articles. [Public Domain](#) is a specific legal term which applies to works for which copyright has either expired or been waived entirely.

It is not an infringement of copyright for you to distribute material available through the Internet (e.g., documents, images, videos, etc.) to students in your class, for the purposes of education or training, under the following conditions:

- no digital locks were circumvented to access the images (e.g., they were not password-protected or behind a paywall);
- the source of the image is cited and the author/creator's name is cited, if it is available;
- you are reasonably sure that the copy you found was not an infringing copy (i.e., was posted legally online);
- that there was no clearly visible notice on the website or the material found online, prohibiting your intended use of the material (this notice needs to be more than just the copyright symbol "©").

19. Can I distribute a previous student's work to my current class as an example paper/assignment?

Not without permission. Students hold the copyright for the works that they create for a course. Although it is very common and often necessary for students to provide copies of their work to instructors, a student's permission should be acquired if you would like to distribute copies of his or her work to your other students in the future.

20. Can I link to or provide students with a copy of, an article I retrieved from ResearchGate or Academia.edu?

ResearchGate and Academia.edu are academic social networking websites on which scholarly writing can be shared. Although some content on these sites is legally shared (e.g., some pre-print versions of articles for which the author holds copyright, or Creative Commons-licensed material), there is also a significant amount of content that has been posted without permission of publishers and other copyright owners of the materials. It is best to proceed with caution and think critically when considering using material you have found on these sites. Does the material appear to be posted without permission from the copyright owner (which may be the publisher and not the author)? Can the students access this material through the university library holdings instead? Is the material posted legally online elsewhere, such as an institutional repository?

Please [contact us](#) or your [liaison librarian](#) with any questions or concerns.

21. What if a book I want to copy is out of print?

Even though a book is out of print, it may still be protected by copyright. A Short Excerpt from an out-of-print book can be shared with students in a class, in accordance with the university's [Fair Dealing Guidelines](#). If the work is still protected by copyright (i.e., is not in the [Public Domain](#)) and the copying/distribution needed exceeds the Fair Dealing guidelines, permission should be acquired from the copyright owner before the material is reproduced or distributed.

22. Can you review my syllabus and/or course materials to make sure there are no copyright issues?

Yes! Please feel free to provide us with your syllabus or course materials if you would like them to be reviewed for copyright compliance.

OTHER FREQUENTLY ASKED QUESTIONS (NOT ABOUT TEACHING)

23. Are students permitted to audio and/or video record my class lectures?

The recording of lectures by students is covered in the university's [Academic Courses](#) policy, sections 5.6 through 5.9. Students are permitted to record your class lectures only if you give them permission to do so, and they are also not permitted to distribute their recording(s) without your permission. One exception is that “[a] student may record lectures without such permission only if the Disability Services for Students office has approved this accommodation for the student.” As the course instructor, you will be informed of the student's accommodation.

The student is also not permitted to distribute these recordings and the recordings will be deleted at the end of the course.

Please review sections 5.6 through 5.9 of the university's [Academic Courses](#) policy for additional details.

24. I'm presenting at a conference. Can I use copyright-protected materials, such as images, in my presentation? What about in materials that I'd like to distribute to the presentation attendees?

Please see our [Conferences](#) page for information about using copyright-protected in your conference presentations, posters and handouts.

25. Can I show a film on campus outside of the classroom?

Yes, but a public performance licence is likely required to show the film unless it is for an educational purpose and the audience is comprised primarily of students from the University of Saskatchewan. Please see our [How to Show a Film on Campus](#) page for additional information.

26. I'm doing a project in collaboration with students and industry partners/organizations. Who owns the copyright for this work?

Whoever contributed to creating the work (e.g., wrote, designed, drew, recorded, etc., a portion of the work) will be a partial copyright owner for the work unless there is a contract that states otherwise. If you are working with a person from an organization external to the university, then the organization who employs that person may hold the copyright for the person's work depending on the terms of their employment contract.

Similarly, the University of Saskatchewan (USask) may be a copyright holder in the work if anyone who contributes to the work is a non-faculty USask staff member. For more information, please see the university's [Intellectual Property](#) page (particularly section 2.2 of Intellectual Property Policies, entitled "Copyright Policy – Works Created at the University of Saskatchewan").

If copyright permission is required for use of this work in the future, permission needs to be provided by all copyright holders for the work.

27. How do I protect my own copyrighted works from infringement?

Please see the *Protecting Your Own Work* section of our [Rights](#) page for authors and creators.